

of the functions of the Personnel Classification Board to the Civil Service Commission; to the Committee on the Civil Service.

454. By Mr. KERR: Petition of Mrs. J. A. Spiers, chairman of art of the North Carolina Federation of Woman's Clubs, and others, requesting an appropriation of the sum of \$10,000,000 for the erection of a public building in the city of Washington, D. C., to be known as the national gallery of art; to the Committee on Public Buildings and Grounds.

455. By Mr. KINDRED: Petition of the trustees of the New York Public Library, Astor, Lenox, and Tilden Foundations, approving House bill 5841, and protesting against the enactment of any substitute measure which shall tend to restrict the freedom of libraries, etc.; to the Committee on the Library.

456. Also, resolution passed by the Long Island Federation of Woman's Clubs, urging the United States Senators and the Congressmen from Long Island to consider favorably the erection of a building in Washington, D. C., to be known as the national gallery of art; to the Committee on Public Buildings and Grounds.

457. Also, petition of the Carl Follen Unit, No. 103, Steuben Society of America, to the United States Congress, opposing entry of the United States into the World Court; to the Committee on Foreign Affairs.

458. By Mr. LEATHERWOOD: Resolution of the Kiwanis Club, Salt Lake City, Utah, requesting continuation of Federal aid for interstate highways; to the Committee on Roads.

459. By Mr. LITTLE: Petition of United States Spanish War Veterans, Lawrence, Kans., in support of House bill 98, citing conditions of Spanish War veterans not covered by the act of June 5, 1920; also letters signed by Mrs. Louis W. Streich, Kansas City, and Mary B. Chappel, secretary, American Red Cross, Kansas City, Kans.; to the Committee on Pensions.

460. Also, petition of members of faculty of the University Kansas School of Pharmacy, to bring before the United States Congress at the earliest opportunity an amendment to section 15 of the present copyright law by inserting the words "or mimeographic process" after the words "or photo-engraving process" in lines 9, 15, 34, and 41 of section 15; to the Committee on Patents.

461. By Mr. LONGWORTH: Petition of the National Society Daughters of the American Revolution, "Whereas Mrs. Mary Key McBlair, granddaughter of Francis Scott Key, author of 'The Star-Spangled Banner,' is an aged widow and will soon be retired from the service of the United States Government with a meager pension of \$12 per month: *Resolved*, That the National Society Daughters of the American Revolution do petition Congress to give an adequate pension to her for the rest of her life"; to the Committee on Pensions.

462. By Mr. MOONEY: Petition of Cleveland Motion Picture Exhibitors' Association, protesting music-tax proposal; to the Committee on Patents.

463. Also, petition of Cleveland Hebrew Benevolent Association, indorsing House bill 7089, to amend the Immigration act of 1924; to the Committee on Immigration and Naturalization.

464. By Mr. OLDFIELD: Petition of Clio Harper, of Little Rock, Ark., and other members of the Arkansas Press Association, favoring the restoration of the second-class postal rates of 1920 and urging the restriction of printing and sale of Government stamped envelopes; to the Committee on the Post Office and Post Roads.

465. By Mr. STRONG of Kansas: Petition of L. E. Shepard and 81 other citizens of Miltonvale, Kans., requesting enactment of legislation to increase the pensions of Indian war veterans and their widows; to the Committee on Pensions.

SENATE

TUESDAY, January 26, 1926

(Legislative day of Saturday, January 16, 1926)

The Senate reassembled, in open executive session, at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

As in legislative session,

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 3755. An act granting the consent of Congress to the counties of Anderson, S. C., and Elbert, Ga., to construct a bridge across the Savannah River; and

H. R. 6089. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge and approaches thereto across the Fox River in the county of McHenry, State of Illinois, in section 26, township 45 north, range 8 east of the third principal meridian.

ANNUAL REPORT OF THE PUBLIC PRINTER

The VICE PRESIDENT laid before the Senate, pursuant to law, the annual report of the Public Printer for the fiscal year ended June 30, 1925, and also for the last half of the calendar year ended December 31, 1925, which was referred to the Committee on Printing.

THE WORLD COURT

The Senate, in open executive session, resumed the consideration of Senate Resolution 5, providing for adhesion on the part of the United States to the protocol of December 16, 1920, and the adjoined statute for the Permanent Court of International Justice, with reservations.

Mr. MOSES. Mr. President, without reference to the limit of one hour imposed upon Senators, I wish to raise certain parliamentary questions, and therefore I hope the stop watch will be put out of commission for the time being.

I would like to engage the attention of the Senator from Wisconsin [Mr. LENROOT] as to the procedure to be followed. The statute having been read in full, and the discussion having been had upon it, I assume we are now reaching a point where individual reservations may be offered, either to the resolution as modified and presented by the Senator from Virginia [Mr. SWANSON] or by agreement that they may be offered as individual reservations supplementary to it.

I particularly wish to call the attention of the Senator from Wisconsin to the fact that I have presented, as in the nature of a substitute for the Swanson resolution in whatever form it may finally find itself, the so-called Pepper plan. I would like to ask the Senator from Wisconsin if it is possible now to secure unanimous consent to the effect that when the Swanson resolution has finally been perfected in Committee of the Whole my substitute may then be offered?

Mr. LENROOT. I should have no objection to that course. Technically, the Pepper plan does involve amendments to the statute.

Mr. MOSES. I understand that.

Mr. LENROOT. And if that is waived—

Mr. MOSES. That is why I am asking unanimous consent, because my understanding is that the amendments to the statute should be considered immediately, and inasmuch as the whole subject matter of the so-called Pepper plan is presented by me as a substitute for the Swanson resolution, when that is finally agreed upon in its form in the Committee of the Whole, I ask unanimous consent that I may then have the opportunity to present the so-called Pepper plan as a substitute for the Swanson resolution.

Mr. LENROOT. As a whole?

Mr. MOSES. As a whole, when it is agreed upon in Committee of the Whole.

Mr. REED of Missouri. The Senator means if it is agreed upon?

Mr. MOSES. If and when. I ask unanimous consent, Mr. President.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. Let us know a little more about the matter first.

Mr. MOSES. The unanimous consent for which I have asked is that if and when Senate Resolution 5 has been perfected in the Committee of the Whole and is ready to be taken into the Senate for agreement upon whatever amendments are made to it, that being the practice which I assume we must follow here, I shall then have the opportunity of presenting my substitute for the Swanson resolution as it then stands.

Mr. LENROOT. I should think the Senator would rather take this course—that when the Swanson resolution is perfected and ready for a final vote—

Mr. MOSES. In Committee of the Whole.

Mr. LENROOT. Or in the Senate.

Mr. MOSES. I have no desire to have two votes upon the matter.

Mr. LENROOT. Then the Senator, by unanimous consent, shall have the privilege of offering, as a substitute for the Swanson resolution as it may be perfected, his Pepper plan.

Mr. MOSES. I have no objection to taking the vote either in Committee of the Whole or in the Senate, but inasmuch as it involves a little departure from the procedure which regularly would be followed I have submitted this request.

Mr. WATSON. Does the Senator understand that he has to wait until we get into the Senate to secure unanimous consent or can it be granted now?

Mr. LENROOT. The Senator from New Hampshire is asking unanimous consent that when the Swanson resolution shall be perfected he may offer his Pepper plan, to which request I have no objection.

Mr. MOSES. I would prefer to do it so that we can go into the Senate with the Swanson resolution perfected. I have no illusions about the vote on the Pepper resolution. I would prefer to offer it in Committee of the Whole, so that we can take the Swanson resolution into the Senate from the Committee of the Whole.

Mr. LENROOT. Except that the ratifying part of the Swanson resolution is not considered in Committee of the Whole.

Mr. MOSES. I am referring to the text of it.

Mr. LENROOT. I have no objection.

Mr. MOSES. I wish merely to deal with the text of it, and therefore I am making the request.

Mr. BRUCE. Mr. President, I can not understand why the proposal was not offered before.

Mr. MOSES. It was offered many days ago, I will state to the Senator from Maryland. It is only my desire that it shall be presented to the Senate for a vote.

Mr. BRUCE. I have no objection.

The VICE PRESIDENT. Without objection, the request is agreed to.

Mr. LENROOT. Now, Mr. President, I ask unanimous consent that all reservations which have been presented under the rule shall be first considered in Committee of the Whole, the reservations contained in the Swanson resolution to be first considered, and that if any Senator desires to offer a reservation that is pending as a substitute for any part of the Swanson reservation he may have that opportunity.

Mr. BORAH. There is only one question that I desire to ask. Why is it necessary to have unanimous consent about all these things?

Mr. LENROOT. When a similar situation arose in connection with the Isle of Pines treaty the Chair ruled that the other course was the proper procedure.

Mr. REED of Missouri. I do not understand what the Senator means by "the other course."

Mr. LENROOT. That reservations were not to be considered in Committee of the Whole, but were to be considered when the resolution of ratification was before the Senate.

Mr. REED of Missouri. I understand the Senator is asking consent that we shall proceed now with the Swanson resolution and reservations?

Mr. LENROOT. Yes.

Mr. REED of Missouri. As in Committee of the Whole?

Mr. LENROOT. Yes.

Mr. REED of Missouri. And that they shall be open to amendment in Committee of the Whole in so far as those amendments or reservations have been properly filed.

Mr. LENROOT. That is, any Senator may offer to substitute any other reservation for the Swanson reservation.

Mr. REED of Missouri. He may, or he may move to amend the Swanson reservation, provided he has already filed his proposition of amendment?

Mr. LENROOT. If it does not go beyond the extent of the agreement.

Mr. REED of Missouri. That is, it is already on file?

Mr. LENROOT. Yes.

Mr. MOSES. Let me see if I understand the position of the Senator from Wisconsin with reference to that. I have a reservation which would be in the nature of an additional reservation to those proposed by the Senator, and that is an amendment. Of course, I wish immediately to have that read and to devote 5 or 10 minutes to a discussion of it.

Mr. LENROOT. There is no objection to that, except that the pending question will start with consideration of the Swanson reservation, of course. Is that clear?

Mr. REED of Missouri. I understand the unanimous consent to be that the Senate as in Committee of the Whole shall now proceed to the consideration of what is commonly known as the Swanson reservations and resolution.

Mr. LENROOT. Reservations. The resolution comes afterwards under the rule.

Mr. REED of Missouri. Very well; and that in Committee of the Whole any amendments to the Swanson reservation

which were properly filed on yesterday before 1 o'clock will also be considered.

Mr. LENROOT. Certainly.

Mr. REED of Missouri. And that when the Swanson resolution or reservations have been perfected the Senator from New Hampshire is to have the privilege at that time of offering in Committee of the Whole his substitute to which he has referred. Is that the unanimous consent?

Mr. LENROOT. Yes. It is understood, of course, that no amendment can be offered from the floor.

Mr. REED of Missouri. That is, no new amendment?

Mr. MOSES. By unanimous consent it could be offered.

Mr. LENROOT. Yes; except by unanimous consent.

Mr. NORRIS. Mr. President, may I ask the Senator from Wisconsin if it is his idea that none of these reservations are subject to amendment? Suppose a grammatical error were found in one of them, would there be no way to correct it?

Mr. LENROOT. By unanimous consent.

Mr. NORRIS. But suppose there should be an objection?

Mr. LENROOT. Then there is no way to do it.

Mr. MOSES. The Senator from Nebraska is referring to the reservations which have been offered and printed?

Mr. LENROOT. Yes.

Mr. BRUCE. May I inquire of the Senator from New Hampshire whether it is necessary to make the point that there is a limitation of time on debate?

Mr. MOSES. I understand there is not as covering the present discussion, but we are governed by the one hour all told when we get to a discussion of the reservations themselves, I will say to the Senator.

Mr. SWANSON. Of course, the regular procedure is to consider the treaty or convention in Committee of the Whole, but reservations are considered in the Senate. Some Senators desire, because there may be a close vote on some of the proposals, to have two votes. That is all the agreement will accomplish in this matter, and I think it is right to have a full opportunity to offer all amendments. These reservations of mine were submitted rather late, I will admit. I expected to present them earlier, but they were simply amendments that were offered by other Senators that had been filed later than mine. I feel that full liberty ought to be given in connection with those amendments and I see no objection, except that it requires unanimous consent to change the rule of the Senate, which I hope will be granted, so that Senators may have full opportunity to have the amendments discussed in Committee of the Whole.

The VICE PRESIDENT. Without objection it is agreed to.

Mr. REED of Missouri. No, Mr. President.

Mr. BORAH. Just a moment. Has the unanimous-consent proposal been reduced to writing? Let us have it reduced to writing, so that we will know what it is when we adopt it. No one can tell from the discussion that has taken place just what it is.

Mr. MOSES. If the Senator will permit me, I will undertake to state it.

Mr. BORAH. It has been stated, and then the Senator from Wisconsin [Mr. LENROOT] added an interpretation of his view of it. So we may get into a controversy after it is adopted. Let us have the controversy first. Let the unanimous-consent agreement be reduced to writing.

Mr. MOSES. If I may be permitted to state it, the unanimous-consent agreement is that the Senate shall proceed in Committee of the Whole to consider Senate Resolution No. 5 in the regular order. It need not be stated in the unanimous-consent agreement, but that means that amendments may be offered to it in Committee of the Whole.

Mr. LENROOT. Amendments that are already pending.

Mr. MOSES. Oh, yes; amendments that are here under the rule; and that when the resolution has been perfected in Committee of the Whole and is ready for a final vote in Committee of the Whole, I shall have the opportunity of presenting my substitute for it, and the whole debate shall be governed by the closure rule of one hour all told to each Senator.

Mr. JOHNSON. I may have misunderstood the Senator from Virginia [Mr. SWANSON]. I thought he said that amendments might be offered to the reservations which he had presented so late, as he said.

Mr. SWANSON. If the Senator will permit me, I meant presented earlier than that presented by the Senator from Idaho, earlier than that presented by the Senator from South Carolina, earlier than that presented by the Senator from New Hampshire, and printed in the Record. On account of the failure to reach an agreement I presented it as soon as it could be prepared.

Mr. JOHNSON. Be that as it may, it was presented on Saturday last, but came to us yesterday just before the vote on cloture.

Mr. SWANSON. But the Senator had a copy of it immediately after. The Senator from Idaho took the original copy and read it.

Mr. JOHNSON. Surely, I endeavored to inform myself at the earliest possible moment respecting it; but that does not alter the fact that it came to the desks of Senators yesterday just before the vote. What I want to make clear is whether the unanimous-consent agreement includes the offering of any amendments other than those which have been presented and are on the desk?

Mr. SWANSON. It could only be done under the rule by unanimous consent.

Mr. JOHNSON. I realize that, but I want to know whether the unanimous-consent agreement includes that.

Mr. SWANSON. It does not.

Mr. JOHNSON. Was it not the Senator's intention that it should include it?

Mr. SWANSON. No. So far as I am concerned, any amendment that is offered in good faith and not for the purpose of delay I am willing to consent to have voted on here. I do not object to any amendment offered in that way.

Mr. JOHNSON. I would not assume that an amendment would be offered for any other purpose. That is what I want to make clear, and it is merely with the desire to clarify the atmosphere and understand the situation that I am addressing my query to the Senator from Virginia. I had understood from what the Senator said that amendments might be offered to the reservations which he presented last Saturday and which came to our desks on Monday. If I am in error on that I want to be corrected.

Mr. MOSES. Under the rule that can not be done except by unanimous consent.

Mr. JOHNSON. I know it can not be done except by unanimous consent, but does the unanimous-consent agreement include that?

Mr. LENROOT. It does not.

Mr. JOHNSON. The Senator from Wisconsin says it does not. Is that correct?

Mr. SWANSON. That is right; it does not.

Mr. MOSES. Does the Senator from Idaho still wish to have the unanimous-consent agreement read?

Mr. BORAH. I think it ought to be read.

Mr. REED of Missouri. Let the suggestion which I made be read by the reporter.

Mr. SWANSON. I think the statement made by the Senator from Missouri of the proposed unanimous-consent agreement more clearly sets it forth than anyone else has done, with all due deference to the Senator from New Hampshire.

Mr. MOSES. I am perfectly willing to agree to that.

Mr. ROBINSON of Arkansas. Let the reporter read it.

The VICE PRESIDENT. The clerks at the desk are transcribing it. It will be read.

The Chief Clerk read as follows:

Ordered by unanimous consent, That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson resolution, and that in the Committee of the Whole any amendment which was properly filed on yesterday before 1 p. m. will also be considered, and that when the Swanson reservations have been perfected the Senator from New Hampshire [Mr. MOSES] is to have the privilege at that time of offering his substitute, which he has proffered in Committee of the Whole.

Mr. LENROOT. Mr. President, the words "Swanson resolution" should read "Swanson reservation."

Mr. REED of Missouri. Very well; let it read "reservation."

The CHIEF CLERK. Strike out "resolution" and insert "reservation"; so as to read "Swanson reservation."

Mr. LENROOT. I ask the Secretary to read it again.

The Chief Clerk read as follows:

Ordered by unanimous consent, That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson reservation, and that in the Committee of the Whole any amendment which was properly filed on yesterday before 1 p. m. will also be considered, and that when the Swanson reservations have been perfected the Senator from New Hampshire [Mr. MOSES] is to have the privilege at that time of offering his substitute, which he had proffered in Committee of the Whole.

Mr. REED of Missouri. It should read "offering in Committee of the Whole his substitute."

Mr. WILLIAMS. I think the proposed agreement should include substitutes offered by other Senators. I have offered a substitute.

Mr. REED of Missouri. I think it should read "and any other substitute that is properly pending may be offered."

Mr. WILLIAMS. I have a substitute that is pending.

Mr. LENROOT. Mr. President, one other suggestion—

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry. How many substitutes are pending?

Mr. MOSES. I think there are only two.

Mr. ROBINSON of Arkansas. Of course, under parliamentary law, only one substitute can be offered; otherwise there would be no limitation to the number that might be offered.

Mr. MOSES. I think there are only two that are properly before the Senate.

Mr. ROBINSON of Arkansas. How many are pending? Some Senator ought to know.

Mr. MOSES. I think there are only two.

Mr. ROBINSON of Arkansas. The Senator from New Hampshire has offered one. Has any other Senator offered one?

Mr. MOSES. The Senator from Missouri [Mr. WILLIAMS] has offered another.

Mr. ROBINSON of Arkansas. Then I will make no objection to that change in the agreement, as there are only two substitutes pending.

Mr. WALSH. Mr. President—

Mr. BLEASE. Mr. President, I should like to ask a question.

Mr. MOSES. I yield first to the Senator from Montana, who has been standing for some time.

Mr. WALSH. I wish to inquire whether the unanimous-consent agreement as it is now framed embraces the subsequent resolutions? There are now three resolutions in one—one proposing adherence with certain reservations, the second is a resolution in relation to the method by which the questions shall be submitted, and the third is the Monroe doctrine resolution. Are those two additional resolutions to be considered also as in the Committee of the Whole?

Mr. MOSES. My understanding is that the two latter resolutions to which the Senator refers will be presented in the same manner as additional reservations; that they are properly before the Senate and will be presented.

Mr. WALSH. That is all right, then; that is quite agreeable.

Mr. MOSES. I now yield to the Senator from South Carolina.

Mr. REED of Missouri. Mr. President, will the Senator yield to me for a moment?

Mr. MOSES. If the Senator from South Carolina will consent, I will yield to the Senator from Missouri.

Mr. BLEASE. Very well.

Mr. REED of Missouri. If the Senator from South Carolina will pardon me, by "the Swanson reservation" I meant to include all of those qualifying reservations of the Senator from Virginia [Mr. SWANSON] that are in the pending resolution.

Mr. MOSES. I yield now to the Senator from South Carolina.

Mr. BLEASE. I could not catch it clearly from the reading of the proposed agreement, and I should like to know to what Swanson resolution the agreement refers.

Mr. REED of Missouri. It refers to the one that is now pending.

Mr. BLEASE. That is the one additional to the first one?

Mr. REED of Missouri. It refers to Resolution No. 5 as it has now been modified.

Mr. BLEASE. I object to this agreement if it includes the first Swanson resolution or reservations.

Mr. MOSES. The first so-called Swanson resolution has already been changed by the action of the Senator from Virginia himself; he has modified it as it originally stood.

Mr. BLEASE. The last one is not so bad.

Mr. SWANSON. Mr. President, if the Senator from New Hampshire will yield to me, under Rule XXI, I had the right to modify my resolution at any time before the yeas and nays were ordered on it or it was amended. I did modify it, and the resolution pending will be modified by reservations which I presented on last Saturday.

Mr. MOSES. That is correct.

Mr. BLEASE. That is, the one the Senator from Virginia originally offered has been gotten out of the way?

Mr. MOSES. Yes.

Mr. BLEASE. And there is no chance of bringing that back?

Mr. LENROOT. No.

Mr. BLEASE. That is all right; that will be fine.

Mr. LENROOT. Mr. President, there is one addition which should be made. I ask that the Secretary again read the proposed agreement.

The Chief Clerk read as follows:

Ordered by unanimous consent, That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson reservation, and that in the Committee of the Whole any amendment or reservation which was properly filed on yesterday before 1 p. m. will also be considered, and that when the Swanson reservations have been perfected the Senator from New Hampshire [Mr. MOSES] is to have the privilege at that time of offering in the Committee of the Whole the substitute which he has offered.

Mr. ROBINSON of Arkansas. Mr. President, we have just agreed that the Senator from Missouri [Mr. WILLIAMS] may also offer his substitute. I suggest that the agreement may read that the Senator from New Hampshire [Mr. MOSES] and the Senator from Missouri [Mr. WILLIAMS], respectively, may offer their substitutes.

Mr. LENROOT. Before that is agreed to, will not the Senator from New Hampshire also ask unanimous consent to waive the consideration of the amendments to the statute under the Pepper plan?

Mr. MOSES. I will consent to that.

Mr. LENROOT. I think there will be no objection to that.

Mr. REED of Missouri. What is that?

Mr. MOSES. The Pepper plan contemplates an amendment or amendments to the statute. I wish to ask unanimous consent to waive consideration of those amendments.

Mr. LENROOT. Because it will all be embodied in the substitute of the Senator from New Hampshire.

Mr. MOSES. It will all be embodied in my substitute, and I do not want to take the time of the Senate needlessly.

Mr. BRUCE. Mr. President, as my ear caught the reading, the word "reservation" was used in the singular and not in the plural in the beginning of the agreement. I should like to have the clerk verify that. I think that the proposed agreement now reads "reservation," while it should read "reservations."

Mr. REED of Missouri. It should read "Swanson reservations."

Mr. BRUCE. I do not know as yet whether my impression is correct or whether it is erroneous. I should like to have the Secretary read the proposed agreement.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

Ordered by unanimous consent, That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson reservation—

Mr. BRUCE. Did the Secretary say "reservation" or "reservations"?

The CHIEF CLERK. The first time it was read "reservation."

Mr. REED of Missouri. It should read "reservations," in the plural.

The CHIEF CLERK. It reads:

Ordered by unanimous consent, That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson reservations, and that in the Committee of the Whole any amendment or reservations which were properly filed on yesterday before 1 p. m. will also be considered, and that when the Swanson reservations have been perfected the Senator from New Hampshire [Mr. MOSES] and the Senator from Missouri [Mr. WILLIAMS], respectively, are to have the privilege at that time of offering their substitutes.

Mr. MOSES. Now may I add to that, in order to carry out the understanding with the Senator from Wisconsin, "and that the Senator from New Hampshire waives the consideration of amendments to the statute of the court contained in his substitute"?

Mr. LENROOT. Separately.

Mr. MOSES. Waives all consideration of amendments to the statute.

Mr. SWANSON. I think that the best way to put it would be to say that "any amendments to the statute included in the resolution of the Senator from New Hampshire shall be considered as waived."

The Chief Clerk read as follows:

And the Senator from New Hampshire waives all consideration of amendments to the statute of the court contained in his substitute.

Mr. LENROOT. The Senator can not waive anything. May I suggest "and all consideration of amendments to the statute, separately considered, is waived"?

Mr. ROBINSON of Arkansas. What does all that mean?

Mr. LENROOT. It means, technically, that we will consider the amendments to the statute that are contained in the resolution.

Mr. ROBINSON of Arkansas. It says that the Senator waives consideration of the amendments to the statute. Now, the Senator says that that means that we shall consider the amendments.

Mr. SWANSON. It ought to read "except as contained"—

Mr. WATSON. "In the Pepper resolution."

Mr. SWANSON. "In the resolution to be offered."

Mr. REED of Missouri. What is the use of putting that in? The Senator from New Hampshire can waive it by not urging it.

Mr. ROBINSON of Arkansas. Yes; but what is it that he waives? I really am asking for information.

Mr. MOSES. I will say to the Senator that I will waive the separate consideration of the textual amendments to the statute of the court which are embraced in the so-called Pepper plan. In other words, I am not asking the Senate to consider separately textual amendments to the statute.

Mr. ROBINSON of Arkansas. Very well. Now I understand the modification, and I am for it.

Mr. FLETCHER. Why offer them then?

Mr. MOSES. I will say to the Senator from Florida that I want to get the whole substitute before the Senate; and if we pursued the ordinary course, inasmuch as this involves a textual amendment of the instrument, each one of these textual amendments would have to be taken up and considered separately. I will say further to the Senator from Florida that my whole notion is that since the juggernaut has been set in motion I have no desire to impede his progress.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson reservation, and that in the Committee of the Whole any amendment—

Mr. BRUCE. Mr. President, I should like to find out, once for all, whether that word is "reservation" or whether it is "reservations"—whether it is in the singular or in the plural.

The VICE PRESIDENT. There is an "s" on the end of the word. It is plural.

The Chief Clerk continued the reading of the proposed unanimous-consent agreement, as follows:

known as the Swanson reservations, and that in the Committee of the Whole any amendments or reservations which were properly filed on yesterday before 1 p. m. will also be considered; and that when the Swanson reservations have been perfected the Senator from New Hampshire [Mr. MOSES] and Mr. WILLIAMS, of Missouri, respectively, may have the privilege at that time of offering their substitutes which they have offered; and the Senator from New Hampshire waives all consideration of amendments to the statute of the court contained in his substitute.

Mr. BRUCE. Mr. President, I want to say to the Secretary, in view of the additional emphasis that he placed upon the words, that I think I am justified in saying he has such a singular way of pronouncing some words that it is impossible to tell whether they are singular or whether they are plural.

Mr. WATSON. Let us have them spelled.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I am giving my consent to this proposition purely as a matter of procedure. I am reserving the point that all of the proceedings we are now engaged in are illegal and void, contrary to the Constitution, and contrary to the rules of the Senate.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the agreement is entered into.

The unanimous-consent agreement as finally reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered by unanimous consent, That the Senate, as in Committee of the Whole, will now proceed to the consideration of what is commonly known as the Swanson reservations, and that in the Committee of the Whole any amendment or reservations which were properly filed on yesterday before 1 p. m. will also be considered, and that when the Swanson reservations have been perfected the Senator from New Hampshire [Mr. MOSES] and the Senator from Missouri [Mr. WILLIAMS], respectively, may have the privilege at that time of offering in the Committee of the Whole the substitutes which they have offered, and the Senator from New Hampshire waives all consideration of amendments to the statute of the court contained in his substitute.

The Senate, as in Committee of the Whole, proceeded to consider the reservations proposed to the protocol.

Mr. MOSES. Mr. President, under the time limitation I offer the reservation which I send to the desk as an additional reservation to Senate Resolution No. 5.

Mr. LENROOT. In accordance with the agreement, the first Swanson reservation would be the pending question. Of course, the Senator may offer his proposal and speak upon it.

Mr. MOSES. To that I offer this reservation as an amendment.

Mr. LENROOT. Very well.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. Mr. MOSES offers the following reservation to the protocol of signature of the statute for—

Mr. LENROOT. In accordance with the agreement, I ask that the first Swanson reservation be stated to the Senate as the pending question.

Mr. WATSON. That is right.

The VICE PRESIDENT. The Secretary will read the reservation.

The CHIEF CLERK. On page 2, line 8, of the modified resolution, reservation No. 1:

That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the treaty of Versailles.

Mr. MOSES. Mr. President, to that I offer the reservation which I have sent to the desk as an additional paragraph, and I ask that it may be read.

The VICE PRESIDENT. The reservation will be read.

The CHIEF CLERK. It is proposed to add, after line 11, the following as an additional paragraph:

That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever.

Mr. MOSES. Mr. President, in view of certain representations which are made to me, I withdraw that reservation for the minute and ask that the reading proceed.

Mr. HEFLIN obtained the floor.

Mr. KENDRICK. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. HEFLIN. I yield to the Senator from Wyoming.

Mr. KENDRICK. I desire to present memorials signed by 80 signers of Pinebluff, Wyo., protesting against the entry of the United States into the World Court. I ask that these memorials be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. REED of Missouri. Mr. President, I object to the receipt of petitions, memorials, and writings on this subject matter at this time, when we are under limited time. I could bring in a wagonload of them.

Mr. ROBINSON of Arkansas. Mr. President, I think I ought to say for the benefit of the Senator from Wyoming that under the rules of the Senate a petition can not be presented while a Senator has the floor for the purpose of discussing a question, except by unanimous consent; and since the Senator from Missouri objects, I suggest to the Senator from Wyoming that he withdraw the request.

Mr. KENDRICK. I will withdraw it for the present.

Mr. ROBINSON of Arkansas. Of course, the practice has been prevailing here of presenting petitions under the same circumstances as now exist; but if the Senator from Missouri sees fit to object, it can not be done.

Mr. FLETCHER. Mr. President, a point of order.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. HEFLIN. I yield.

Mr. FLETCHER. I rise to inquire just what is before the Senate? Are the Swanson reservations now before the Senate?

Mr. LENROOT. The first one.

The VICE PRESIDENT. Reservation No. 1.

Mr. FLETCHER. Has it been read?

Mr. ASHURST. It has.

Mr. FLETCHER. So that reservation No. 1 is now before the Senate?

The VICE PRESIDENT. It is.

Mr. HEFLIN. Mr. President, I desire to say only a word in regard to the speech the Senator from South Carolina [Mr.

BLEASE] delivered here yesterday. The Senator seems to have missed entirely the point that I made in my speech a few days ago. I was not trying to prevent the Senator from paying any eulogy that he might desire to pay to Senator Lodge. I was simply calling the Senator's attention to the fact that he attacked and criticized President Wilson here in the Senate, a man who was born in the South, and who, while President, placed four southern men in his Cabinet. He was criticized most severely in some other sections of the country because, they said, he had put "the South in the saddle." I was criticizing the Senator for attacking President Wilson in one breath and eulogizing Senator Lodge in the next breath; and I cited the fact that one of the most outstanding things in Mr. Lodge's career was his effort to pass the force bill of despised memory which would have destroyed Anglo-Saxon civilization in the South.

If the Senator from South Carolina prefers to eulogize a leading Republican, rather than praise a great Democratic President and one of the greatest men the Nation has ever produced, that is his business. Every man to his taste; and if the Senator desires to do that, he is at liberty to do so.

The Senator was mistaken when he said that the South had ordered cloture. We have not applied cloture. The rule that we have invoked is not cloture. We have not stopped debate. We have simply limited debate, and we have shown by that action that the Senate has rules now under which it can transact business without changing the rules at all. We undertook to get an agreement as to when debate should close and a vote be had, but the opposition Senators would not agree. It would be ridiculous for sensible men, men entitled to sit in this body, to sit here throughout a session and permit one man by his objection to prevent the Senate from voting on an important question. The reason for adopting the rule that we invoked on yesterday was to meet just such a situation as that. We were simply providing ways and means for getting a vote on a question that has been before the Senate for three years.

Mr. President, let me remind you, lest we forget, that the World War cost the United States nearly \$40,000,000,000, and we were in it only 18 months. But that is not all that it cost. It takes more than money to satisfy the thirst and hunger of this cruel and remorseless monster called war. He was not satisfied until he had called from the peaceful pursuits of life 4,000,000 brave American boys into training camps to prepare for action in the bloodiest war of the ages. He broke the bodies of thousands of them on a foreign battle field, and left them lame and halt for life. He struck down and brutally murdered tens of thousands of them, and buried them in a strange land 3,000 miles from home. He silenced the voices, closed the eyes, and stopped the heart beats of 300,000 brave American boys, and hung crêpe on the doorposts of 300,000 American homes, where fathers and mothers, sisters, brothers, and sweethearts still long—

* * * For the touch of a vanished hand
And the sound of a voice that is still!

He caused the war-cursed countries of the Old World to resound with the cries of widows and orphans, and he filled all Europe with lamentations and sorrow. He murdered 10,000,000 boys, and destroyed the peace and happiness of many millions more. He slew more men in one brief murderous rampage than all the wars of the past have slain in all the history of the human race.

Senators, is it not time to do something to prevent war in the future? That is not all that this war monster has done. He devoured more than half the wealth of the world. When he began to destroy life and property on such a colossal scale he did not confine his cruel activities to land. He went out upon the high seas and murdered people who were carrying food and clothing to human beings in distress. He sunk merchant ships engaged in international trade, and disturbed and crippled the commerce of nearly, if not quite all, the nations of the earth. He sent to the bottom of the sea thousands of tons of food supplies being carried to starving women and children. He trampled under foot the most sacred international agreements, and denied to the free peoples of the earth the use of the free seas. With the destructive implements of modern war, in his first experience with poisonous gas, liquid fire, shrapnel, giant field guns, airplanes, and submarines, this monster called war in four years' time killed 10,000,000 boys and consumed half the wealth of the world. Will not this astounding fact awaken us to the importance of doing something to prevent war?

Lord God of hosts, be with us yet,
Lest we forget.

Senators, have you forgotten how the World War broke out without a moment's warning, and how much we deplored

it, and how we tried to remain out of it, and how we were drawn into it against our wish and over our protest? Have you forgotten the terrible price that we paid in blood and treasure to put down a war that we had nothing to do with bringing on? If, as matters now stand, a war is commenced in Europe, and we are forced to join with other nations to help put it down, is it not the part of prudence and wisdom, when that war is ended, that we should form an association of peace-loving nations for the purpose of using our influence to discourage and, if possible, to prevent the recurrence of another such war? Is it not better in time of peace to join in with other nations that love peace in the matter of promoting peace rather than to wait until the lessons of the last war shall have been forgotten?

When the armistice was signed and hostilities ceased, this grim monster, laughing with ghoulish glee at the misery he had produced and the ruin he had wrought, said:

You are not through with me yet. Those who remained at home in field and factory and in the marts of trade shall be stripped of their substance by conscienceless money lords, hiding behind the smoke screens of a panic that they will have an excuse to raise because of war.

His prophecy came true. Here in the United States business was paralyzed, factories closed. The hum of wheels and the roar of industry ceased. Seven million men and women were driven from profitable employment. Thousands of merchants were driven into bankruptcy, while banks failed by the hundreds. The cattlemen and grain growers of the West and the cotton producers of the South were held up and robbed of the accumulations of a lifetime. They used the smoke screen of a panic in the aftermath of war to hide behind while they filched from the hands of patriotic men and women the Government bonds they had bought to help their country win the war. They sent their agents over the country buying up the bonds for \$80, \$82½, and \$85 on the hundred. So those who responded to the call of duty and supported their Government in the hour of its peril were punished and robbed through a panic which war had enabled greed and avarice to produce.

CITY OF REFUGE

Following the World War the money lords of England did as the money lords did here, locked up the money supply, contracted the currency, and deflated credits, precipitated a money panic, and started an economic warfare between poor tenants and landed aristocracy, between capital and labor, that has filled the statesmen of old England with a feeling of unrest, uncertainty, and dread, and has caused uneasiness even to the head that wears the crown.

O cruel and brutal war, how many crimes by reason of and incident to your murderous activities have been visited upon the children of men!

The war presented opportunities for extortion and graft upon the Government, and conscienceless profiteers here at home hid behind the smoke screens of war and, in ways that were dark and devious, filched many millions of dollars from the Treasury of the United States. War is a despicable and costly thing to patriots always, but it is a welcome and profitable institution to some. Paul was right when he said—

The love of money is the root of all evil.

There were money lovers in America who seemed glad that the World War had come. Many of them took advantage of their country's misfortune, and in the hour of its peril held the Government up and rejoiced that they, through crafty and corrupt practices, were able to boast that they had made their millions. To them war means an opportunity and an invitation to enrich themselves at the expense of their country.

What care they for wrongs and crimes?

It is dimes and dollars, dollars and dimes.

They do not want a world court or an international tribunal of any kind that will prevent war. They care more for the money that they can make out of war than they do for all the lives of all the boys that may be sacrificed in war.

General Sherman was right when he said: "War is hell." And yet the war of his day was as a May morning zephyr when compared to the iron storms of the great World War. That war was the most cruel, the most costly, and the most destructive of all the wars of the past. War has become so dangerous and deadly that it behooves every intelligent and peace-loving nation of the earth to become keenly interested and wholeheartedly active in establishing and keeping alive a world influence that will constantly be on guard, doing all in its power to discourage and prevent war.

Senators, we go into international agreements and have international understandings about our commerce and our international trade. Are not the peace and happiness of our people,

the protection and prosperity of our boys, as dear to us as the sale of the products of our farms and mines and factories? Why is it that when we suggest that the nations get together on some international plan for the prevention of war that certain people and certain interests cry out against it? It is because war furnishes an opportunity to some people to make millions on war supplies of various kinds while the war is in progress and furnishes an opportunity and an excuse for others to interfere with the finances of the country, to paralyze business and produce financial panics in order to rob the people when the war is over. It is, I think, safe to say that 100,000 men here in the United States during the war and after the war made, by reason of the war, hundreds of millions of dollars. It is safe to say that these people are against any kind of international agreements that will promote peace and prevent war. These people and these interests want to leave us standing aloof, isolated, so that when an inviting war situation presents itself anywhere they can do whatever is necessary to plunge this country into war. All they have to do now is to have somebody somewhere fire upon the United States flag or upon an American ship somewhere at sea and then we are immediately drawn into the war. Why not think of the boys in our American homes who must go out to battle and die when war comes? Why not consider the happiness of the families from which these boys will be called? One of the greatest questions that now confronts the world is how to prevent war in the future.

I had rather the constituted authorities of my country would aid in setting up a world court or some other international peace tribunal to discourage and prevent war than to stand aloof and withhold my country's aid and influence from the cause of peace, and, having denied her the right to have a voice in preventing war, leave her course to be determined by designing men to whom war offers opportunities to make millions.

I had rather that those whom the people have chosen to represent them in the Congress and in the White House would provide a way for the United States to be helpful in establishing a plan for promoting peace and preventing war rather than to be indifferent, and in refusing to take an affirmative stand on the side of world peace permit my country's peace and war status to be left hanging in the balance and determined by those who make money by reason of war. I repeat, if a war starts anywhere now, those who make millions out of war can do the thing necessary to involve us in such a war.

We want a world tribunal doing all in its power at all times to promote peace and prevent war. No higher service could be rendered to the human race. Hereafter, if war is threatened anywhere on earth, the World Court's influence will be immediately felt to prevent it. Not only that, but the whole world will be informed as to the true situation and kept informed as to the influences used and the plans suggested to prevent war.

If such a tribunal had been in existence prior to 1914, the cruel and murderous World War, with all its infamies and horrors, would have never occurred.

The people of the United States are a peace-loving people. We do not wish to interfere with or harm in the least any other nation, and when we join with other nations to promote peace and prevent war we do not in any manner whatever surrender any of our rights as citizens of the United States or any of our rights as a government. We are simply, as a people, taking a stand on the side of peace and against war and desiring to do what we can along with other peace-loving nations to prevent war, and we are willing to pay the expenses of our representative on the World Court and our fair share of the running expenses of such an international tribunal, whatever you wish to call it.

The World War came, and we were drawn into it, and we had no voice in preventing it, but it cost us in money many billions of dollars, and when the war ended it was costing \$1,000,000 an hour, and \$1,000,000 is more money than it will cost all the nations in the World Court to keep it going in the cause of peace for a whole year. It will not cost as much to operate it and keep it going for 10 years as the World War was costing just before it ended to keep it going for 10 hours.

The able Senator from Tennessee [Mr. Tyson] has pointed out that our part of the expenses in keeping the World Court going will be only \$30,000 a year.

This tribunal is simply a world watchman on the tower, where none has ever been before, keeping the nations of the earth informed as to every move that affects the lives of human beings and the peace and happiness of the world. I repeat that in joining in a world movement to promote peace and prevent war we do not surrender a single right that is ours under the Constitution of the United States. Our domestic affairs remain just where they were. All domestic questions, like immigration, for instance, will be settled by us and nobody

else. So far as the United States is concerned, under this plan no war could ever come that would involve us unless and until the United States Congress should declare war. So we are just where we were before, so far as our home problems are concerned. Mr. President, in joining this international tribunal we are not hurt in any particular, but we are greatly helped and benefited by being placed in position to know what is going on, and especially in having an opportunity to use our influence in preventing war.

Some Senators will support a world movement to stamp out and prevent the spread of the foot-and-mouth disease among horses and mules and cattle, but they will speak here till they almost fall in their tracks in opposition to a world movement against a monster that devoured 10,000,000 boys in less than four years' time and crippled and disabled many millions more.

Here is what President Coolidge said about the World Court in his message to Congress:

This court would provide a practical and convenient tribunal before which we could go voluntarily, but to which we could not be summoned.

This World Court is set up for the purpose of having and keeping in existence a peace tribunal to which the nations of the earth can go and settle their differences without going to war.

Mr. President, perhaps the most perfect government that ever existed was the theocracy established by God himself. In it was a city of refuge to which the poor and oppressed or any person attacked or sought to be injured could flee for safety. His enemies might pursue him, but if he ever once reached the city of refuge they dared not lay their hands upon him.

I want to see my country do her part in creating a great international city of refuge to which the war-weary nations of the earth can go without the shedding of blood and settle their differences in the halls of peace.

We solemnly promised our boys, those who died on a foreign battle field and those who were spared the terrible fate of their departed comrades, that if they would put down that war we would do everything in our power to prevent the recurrence of another such war. That promise has not been kept. I had rather be classed with those who contributed to peace and human happiness, to safeguarding and prolonging the lives of the youth of all lands, than to bask in the approving smiles of the time-serving, war-promoting international highwaymen of the earth.

Mr. President—

Once to every man and nation comes the moment to decide
In the strife of truth with falsehood for the good or evil side.

Every day about the hospitals, in the parks, and in the streets of Washington we can see the effects of the last terrible war in the lame and halt and blind. They remind us—some of us—of our promise to do what we could to prevent war in the future, and some of us are reminded that that promise has not been kept. Some of us feel that if foreign countries are good enough to fight with in order to put an end to a war that was forced upon us that they are now good enough to cooperate with in time of peace purely and wholly for the purpose of preventing another such war. Again, let me ask, Have Senators forgotten that the last war was the most expensive and most destructive of all the wars of the world? That it was costing a million dollars an hour in the closing days of the war? Have Senators forgotten that that war forced us to draft 4,000,000 men and sacrifice more than 300,000 brave boys on the altar of war? I ask again, Have they forgotten that that war cost the United States nearly \$40,000,000,000? Jefferson said, "Preach a crusade against ignorance." When I recall the pain and misery and bloody butchery of the last war—its poison gas, liquid fire, and death-dealing shrapnel, its staggering cost in blood and treasure—I feel it to be my duty and the duty of my country to preach a crusade against war.

Eight years have come and gone since the curtain went down on the bloodiest war of the ages. It was the most cruel and most destructive war in all history. Not thousands and hundreds of thousands, but millions of men went down to death through the slaughterhouse of that terrible war. It sent the death angel into millions of homes! It called our boys from home, loved ones, and the joys of peace to die in a war that should never have broken out in the Old World. Where are the 10,000,000 boys that were living in 1914? Call the roll! And the mournful answer comes—dead! Ten million boys in four years' time passed through the valley of the shadow of death.

Senators, they loved life, those boys growing up toward man's estate, and they had a right to live. But war, grim and monstrous murderer, plucked them out of the ranks of the living,

broke their young bodies, and drank their life blood. Call the roll! The answer comes ten millions missing—dead in battle—dead! Ten million human beings, made in God's image, brutally murdered in the morning of life, and that is the terrible toll of just one war!

Mr. President, war dwarfs and starves little children. It murders the youth of the country and robs and destroys the homes of the people. It is the cruel and brutal agent of oppression and tyranny. Its music, the tread of armies, the thunder of artillery, and the groans and wails of the wounded and the dying. In its wake lie broken hearts and ruined homes, and its path is red with human blood and paved with dead men's bones. It has torn down the habitations of the people and destroyed the peace and happiness of millions.

When the World War was raging the man power and financial resources of our country were called upon as never before in our history. Then we were doing everything in our power to end the war in victory and declaring it to be our duty and purpose when the war was ended to lead in a movement to establish an international tribunal to make another such war impossible. Then this raging monster called war was feeding on the pick and flower of the manhood of the nations and endangering the liberty of the world. And then the Congress of the United States was making ready to call into the service every physically fit boy and man between the ages of 18 and 45 years. Then, when submarines were destroying hundreds of shiploads of food and threatening with starvation the allied armies and the allied nations, the Congress of the United States established Government supervision over the food supply of our own country, and the orders of Government agents telling us what to eat and what not to eat were sent into the homes of a hundred millions of people. All this was forced upon us by a war which never would have started if we had had an international peace tribunal or World Court.

Nearly everything is in a way a risk and a venture. When our fathers and mothers were making ready to come over to America in the early days they were warned against such an adventure. They were told that Indians were here, and they would all be murdered, but they came. Yes; and they warned and tried to frighten our forefathers against an attempt to achieve their independence.

I recall, Mr. President, statements made by the pessimistic prophets of evil in connection with what occurred in the days of the thirteen Colonies when Washington was leading the colonists in the War of the Revolution. Those prophets of evil were here and they said Washington was foolish, that he was going off on a wild-goose chase and attempting the impossible, that we could not achieve our independence. And I recall that in those days in the city of New York they even burned Washington in effigy and erected a leaden statue to George III. But after the scales fell from their eyes and they no longer looked as through a glass darkly, they tore down the statue of George III and melted it into bullets and fired them into the ranks of the British Army. Then they hailed Washington as their chieftain and as their deliverer. But it seems that we must have these pessimistic prophets of evil with us always.

Now, Mr. President, I want to ask and answer in plain English some questions about the World Court.

FOURTEEN QUESTIONS AND ANSWERS

First. Does the entrance of the United States into the World Court, safeguarded as it is by the Swanson reservations, in any manner whatever give that court jurisdiction over any of our domestic rights and interests? No.

Second. Does the entrance of the United States into the World Court in any way give that court jurisdiction over any question of dispute between the United States and any other nation unless the United States shall hereafter by governmental action specifically give her consent to have such a question submitted to and considered by the World Court? No.

Third. Is it specifically set out and provided for in the measure creating and governing the World Court with the Swanson reservations, which have been agreed upon, that that court shall not take or have jurisdiction over any dispute between one nation and another unless both nations request and agree that it shall do so? Yes.

Fourth. Can the World Court consider and pass judgment upon any case where the interests of the United States would be affected unless the United States Government consents for it to do so? No.

Fifth. If the United States becomes a member of the World Court, will that fact in any way confer upon the World Court or upon any other international tribunal in any way connected with the World Court the right or power to direct or ever suggest that the United States shall furnish money and arms to help prosecute any war anywhere? No.

Sixth. If the United States does become a member of the World Court, does she do so with the understanding that the status of all her rights and interests as a nation shall remain the same as before she became a member? Yes.

Seventh. If the United States becomes a member of the World Court, will such membership in any way deprive the people of the United States of the right which is theirs under the Constitution to have their Congress determine at all times and under all circumstances just when war shall or shall not be declared? No.

Eighth. Is there any power anywhere in the provisions of the measure creating and governing the World Court that can take or that even undertakes to take away from the Government of the United States her right to determine by herself and for herself at all times when she will or will not go to war? No.

Ninth. Is there any provision under which the temporary representatives of the nations of the earth in the World Court, including those of the United States, could agree upon, even if they wanted to, that would or could deprive the people of the United States of their constitutional right to have their Congress, and no power but the Congress, to say when and under what circumstances war shall be declared? No.

Tenth. Then is it our desire and purpose in creating the World Court to establish an international tribunal to provide a place to which disagreements between one nation and another may be carried by the consent of both nations in a sincere effort to arbitrate and adjust such differences in the interest of right and justice and peace? Yes.

Eleventh. Is it true that the providing of a world court or international arbitration board where international disputes can be carried and settled is for the purpose of encouraging settlement of differences by arbitration and discouraging and preventing war and therefore for the purpose of saving the lives of hundreds of thousands of human beings who would surely die if war should come? Yes.

Twelfth. Then the purpose in creating a world court is to provide a place where international disputes may be settled and can be settled in a peaceful way if both parties interested agree to submit their cause to the court? Yes.

Thirteenth. Is not such a court, created by the will and common consent of the nations, providing a place to which disagreements between one nation and another may be taken if both nations agree, a wonderful step forward in the interest of world peace? Yes.

Fourteenth. Is not this attempt on the part of more than two-thirds of the Senate to set up an international peace tribunal or World Court, to which nations may go with the disputes between one nation and another and ask that they be settled without going to war and killing hundreds, thousands, and maybe millions of human beings, in keeping with the teachings of Jesus of Nazareth, the Prince of Peace? Yes.

Then why not go in and let our influence be felt on the side of peace and against war?

WORLD PEACE

Senators, have you forgotten the sad and exciting scenes witnessed all over the United States when our boys first heard the call to arms and bade father and mother, wife, and sweetheart good-by as they went away into a foreign land to help put down a war that they did not bring about and could not prevent? We saw them go away buoyant and strong, with a look of determination on their faces and the light of battle in their eyes. They gave a good account of themselves on the battle fields of France. They performed their duty with lasting credit to themselves and enduring honor to their country. They did their part and our country did its part in putting down that war. Will we now fail to do our part in joining with other nations to prevent the appearance of another such war? Shall we, the greatest single peace force in all the world now, stand aloof and refuse to use our national good will and influence along with other nations in an international movement to prevent war in the future? Senators, have you forgotten how the casualty list of our dead and wounded grew from the time we entered the conflict till the close of that terrible war? Do we no longer remember how American fathers and mothers read that list every morning in the newspapers, and read it with fear and trembling each day, praying as they read that their boy's name would not appear in the list of the slain.

Mr. President, the Congress that has the power to declare war and the power to compel the citizen to leave his home and loved ones to go to the battle front and give his life, if need be, in the cause of his country, ought not now to hesitate to permit the country to use its moral influence in time of peace to oppose and if possible prevent war. If we were willing to call 4,000,000 of our boys into the military service and willing to expend billions of dollars in helping to end a foreign war that slapped our Nation in the face and forced us to fight

to protect and defend our own rights and liberties, we should be quick and eager now to give the weight of our influence to an international movement in which the same foreign nations—those who fought side by side with us in the World War—are found striving to create an international peace movement to prevent another such war. I am in favor of having a representative of the United States sitting in an international peace tribunal, ever lifting his voice and using his influence on the side of peace.

We helped to end the last war. Let us now join in with other nations and do everything that we can to prevent war in the future. Medical science in its fight against disease is more concerned to-day in preventive measures than anything else. How to keep the human race well and fit for the duties and responsibilities of life is the paramount question.

Time was when the demon of typhoid fever stalked abroad in the land spreading terror amongst the people and killing thousands and tens of thousands. But the crusading men of genius and vision in the medical world declared that they would carry on their fight against him until they could enable every home in America to fortify itself against his secret and insidious attacks and render him helpless and harmless. They succeeded in doing that. They can inject a serum into the human body and prevent the person so treated from having typhoid fever at all.

There was another demon in the old days called diphtheria. He crept noiselessly and unseen into the homes of all christendom and blew his poisonous breath into the mouth and nostrils of sleeping babes, sending into their little tender throats the disease germs of certain death. And the men of the medical world set themselves to the task of preventing diphtheria, and to the joy of every father and mother in all christendom they have succeeded in doing so.

Senators, another demon known as tetanus in medical phraseology, but known generally as "lockjaw" amongst the people. He used to quietly creep upon those who had been wounded in their daily work in the peaceful pursuit of life and drop in the poisonous germs of death. Men of the medical world continued their warfare upon tetanus, or lockjaw, until they have not only provided a certain cure but a serum that will make the patient immune to the disease ever after. But, Mr. President, some of the doctors in those days warned fathers and mothers and patients not to even think of trying the new remedy, but the fathers and mothers who saw the old remedies fail said no harm can come in trying the new.

The time to prepare against war is in time of peace. As I said in substance a moment ago, the United States Government is spending thousands and hundreds of thousands of dollars to protect our horses, mules, and cattle against the spread of the dreadful foot and mouth disease, and I repeat we are cooperating with other nations and spending hundreds of thousands of dollars to protect our hogs and preserve their lives against the ravages of hog cholera. What are we doing to cooperate with other nations to prevent war and preserve the lives of our American boys?

President Wilson is the first man that ever started an effective world movement against war. Through the hitherto long and unchallenged reign of war nations have burdened and oppressed their people with taxes to provide for and carry on war. President Wilson taught the world the importance and feasibility of organizing the peace-loving nations of the earth into a mighty world force to promote peace and prevent war. He broke his health and shortened his life preaching a crusade against war and urging the creation of a world tribunal to secure and keep the peace of the world.

Senators, the gloomy and pessimistic prophets of evil would have us believe that the foreign countries, almost ruined financially and bled white by the World War, are not interested in preventing war but are simply setting a trap for us, the people who won the war, saved their lives, saved their countries, and saved the liberty of the world; that they are now simply seeking to injure and cripple us, the most liberty loving and greatest peace force in all the world. Remember that ten millions of their sons have been murdered by war in the last 10 years. Are we, as intelligent men—men worthy to sit in this body—to accept the theory that the bereaved fathers and mothers, sisters and brothers, wives and sweethearts across the sea are really trying to inveigle us into doing something that will produce wars rather than prevent them—are trying to provide means by which their peace and happiness may be destroyed, and their sons, husbands, and sweethearts may be killed by the millions in the future? How absurd and ridiculous!

I am convinced that a real peace plan with the United States in it will guarantee the peace of the world for at least a hundred years, and the money that is being taken from the

people of foreign nations to provide for and carry on war will be spent, much of it, for cotton and meat and grain and other things produced in the United States.

Christ told his disciples to go into a certain city and enter the homes of the people; and if they would not receive them and the truth they brought, to withdraw and shake the dust off their feet as they departed.

Senators wonder why we should want to go into the World Court, and then provide that we may withdraw if we want to do so. We are offering them our good offices; we shall be sitting there for the purpose of promoting peace; but if we find that the court is organized for some other purpose we have the right and we have the way provided through which we can get out. Mr. President, if we should not declare our right to get out, then these pessimistic prophets of evil would complain because of our failure to do so. They are very hard to please, indeed.

Opponents of the World Court resolution ask, "Why go into the court at all? Why not stay as we have always been?" Mr. President, the effort to create an international peace tribunal for the purpose of promoting peace in the world has been made necessary by the horrors and sorrows of the great World War.

Modern war has become the deadliest enemy of the human race.

Again I say, how to prevent war in the future is the greatest problem confronting the human race to-day.

The number of human beings killed and the amount of money spent during the last great war have convinced the peace-loving nations of the earth that they must unite their strength in a world-wide movement to prevent war in the future.

It is quite natural that such a movement should follow the great World War.

Those of you who are trying to keep the nations divided and standing apart are playing into the hands of those who profit by war. You can not stop this great movement. God is in it, and above the noise and confusion sought to be created by some of the opponents of this measure we can hear the voice of the Master:

Blessed are the peacemakers, for they shall be called the children of God.

You can not stop this movement which looks to "Peace on earth and good will to men."

If you dam up the river of progress, at your cost and peril let it be. It will break down your dam and, despite you, make its way on to the sea.

The men and women of vision, Mr. President, and the men and women of faith are the ones who have been of real value to the human race. Everyone who knows anything knows that we had nothing to do with bringing on the last great war. We were here at home attending to our own business; but we were drawn into that war when we were here at home attending to our own business, and we had to form an alliance with other nations to fight that war to the end, and we pledged every dollar that we had and every drop of blood to help put that war down.

And may we not, in all propriety, now join with our allies and other peace-loving nations to help keep war down?

May we not now, in all propriety, go in and sit with other peace-loving nations, and by our presence show that we are not only ready and willing but anxious to use our influence on the side of peace?

The old system, with its secret diplomacy and hidden intrigues, constituted the hotbed and breeding place of war.

We are seeking to get away from the old system, we are seeking to have all international cards laid upon the table and have all international agreements openly arrived at, and we are asking that all the decisions of the World Court shall be made public. Are not all these things desirable and commendable?

We are setting up this international tribunal for the purpose of uniting the peace-loving forces of the earth into a world-wide movement to promote peace and prevent war.

Are not all these things desirable? Senators, in the name of the boys now living and of millions yet unborn, I appeal to you to join with us in supporting this world tribunal to prevent war.

War, this grim and murderous monster, does not call to battle the weak and feeble men of a country. He calls the strong and vigorous, the pick and flower of its manhood; and wherever he breathes forth his blighting, poisonous breath and lifts his deadly hand there are suffering, sorrow, and death.

Mr. President, those who make millions out of war do not want to put out of commission or destroy the agencies that create war. A few years ago, here in the United States, the wolf problem became one of great moment to the flockmasters or sheep raisers of the West. Great droves of wolves devoured sheep by hundreds and thousands. The sheep owners employed scores of men to guard their sheep and shoot the wolves, but the wolf problem was too great and too expensive for them to solve it by themselves, so they called upon the Government of the United States to help in the war of wolf extermination. The Government employed men to go there and stay there until that work was done.

But, Mr. President, there is a strange and interesting story to the effect that when more than three-fourths of the wolves had been killed, and wolf extermination was about to be accomplished, it suddenly dawned upon these Government agents that if they killed off all the western wolves they would soon be out of a job, so after that for quite a while they did not shoot to kill but indulged only in friendly firing, just enough to frighten the wolves away from the sheep, while giving the wolf pack time to increase their numbers and keep the agents on the pay roll of the Government.

But the western sheep owners discovered after a while that the wolf shooters sent out there by the Government were more interested in keeping enough wolves alive, to keep their jobs intact and their salaries going, than they were in protecting the property of the western sheep raiser or in annihilating the great enemy of the western sheep.

So it is, Mr. President, with those who make money out of war. They do not want any tribunal anywhere that will put them out of business. War to them is a delightful thing. It means millions and hundreds of millions of dollars in their pockets. Their money is being spent in a secret way now, and their propaganda is being circulated in the name of misleading societies here in a desperate effort to keep us out of the World Court. They know that if this great, peace-loving Nation ever takes her place at the council table of an international peace tribunal, war, with all its horrors, is doomed for many years to come.

Through their secret and cleverly disguised propaganda they have deceived some good men and women into believing that it would be an unfortunate and dangerous thing for the United States to give her assurance to the other peace-loving nations of the earth that she is ready to lend her moral influence to a world movement to promote peace and prevent war; that she is ready to let the world know that she is positively on the side of peace and against war.

The last great war—the World War—was not a local war. It was an international war and it required international agreements and alliances to put it down. Are we not now justified in going into an international tribunal in time of peace for the purpose of advising and urging that all nations settle their disputes by arbitration rather than by war?

In view of our recent sad and very costly experience in the great World War, is it not our duty to do what we can and employ every legitimate and peaceful means at our command to prevent the coming of another such war?

President Wilson, the brilliant, masterful, and victorious Commander in Chief of our Army and Navy during the great World War, promised our boys and their fathers and mothers that he would do all in his power to prevent the recurrence of another such war. He kept his pledge, and the efforts that he put forth are bearing fruit to-day; and while the World Court is not altogether the peace plan that he suggested, it is a world plan for world peace.

The Senator from Virginia [Mr. SWANSON], who has led this fight and who has done more than anyone else here or now living to establish an international peace tribunal, has submitted reservations which will in every particular protect and safeguard the Monroe doctrine, our domestic concerns, and our national sovereignty.

Mr. President, Austin Phelps said:

As goes America, so goes the world.

Then, since America is at last about to take her stand on the side of international peace, I believe that we are justified in predicting a long and uninterrupted reign of world peace.

In our efforts to establish a peace tribunal where we can have international disputes settled by arbitration and without the shedding of a single human being's blood are we not doing the will of the Master, who preached, "Peace on earth and good will to men"? Are not those of us who favor a fair and peaceful settlement of international disputes, instead of resorting to war and killing human beings, justified in asking the question of those who oppose us, "Who is on the Lord's side?"

The inspired word of God in the old Bible tells us of a day that is to come when—

They shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.

Mr. President, the question that we are about to determine is whether the United States will take her stand on the side of those who are seeking to promote peace in the world or continue to stand by the old war-breeding system, which has just recently produced the most destructive war in the history of the human race.

No one here is more anxious than I am to protect and safeguard in every particular our American rights and interests, and I have been instrumental in having our national interests protected in every way. I do not want to see my country moving out among the nations for the purpose of conquest or military glory, but I do want to see her opposing war and preaching the gospel of peace amongst the nations, and pointing the way, as Henry Grady, of Georgia, said, up which all the nations of the earth shall come in God's appointed time.

America, incarnated spirit of liberty, with good will toward all nations and malice toward none, but with a prayer for peace on earth and good will to men, we bid her onward and ever on—

'Till the voice of war is stilled,
'Till the haven of peace is won
And the purpose of God fulfilled.

Mr. BLEASE. Mr. President, I congratulate the distinguished Senator from Alabama on delivering what I believe to be the strongest defense that I have ever heard of the position of those who opposed the late war, and the greatest denunciation that I have heard pronounced against those who voted for it.

Mr. HARRIS. Mr. President, I am sure all Senators want to have a vote reached as soon as possible, and I do not wish to take the time of the Senate. I have received a number of letters urging me to vote for the World Court and some urging me to vote against it. I ask permission to place in the RECORD my reply to these letters, to save time.

The PRESIDING OFFICER (Mr. COPELAND in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

MY DEAR SIR: I have your letter relative to the World Court and shall always be glad to have your views on this or any other matter, as I have a high regard for you and appreciate your friendship.

The year before my last election I visited every county in Georgia and spoke at the courthouse and in most of the towns. In every speech I referred to the horrors of war, with its sorrow and anguish, and told the people that I would vote in favor of this court of justice to prevent war if I did not receive one vote for reelection to the United States Senate. I feel it my duty to carry out the promises I make to the people of my State.

Under the Constitution only Senators and Representatives in Congress can vote to declare war and send our boys to the battle field. My predecessor in the Senate voted for war, but I pray I may never have to do so. If the world could only have had a court of justice to arbitrate differences between nations in 1914, the lives of a hundred thousand American boys and millions of other lives lost in the last war could have been saved. Do you not think I ought to do something to prevent another such war? I know the horrors of war through my correspondence with the fathers and mothers of thousands of Georgia soldier boys I have helped with their claims.

I visited the cemeteries in France and saw the graves of thousands of brave American boys, and the boy I loved the best in all the world, my brother's only child and the youngest captain in the Army, was killed in France. You can understand why I should be so opposed to war, and when my term is over I can look in the faces of the mothers and tell them that it was my privilege to help find a way to arbitrate our differences so as to save their boys from death on the battle field.

When you or your neighbors differ about matters, or if two farmers are in dispute about the location of a lot line, or two business men disagree about a business transaction, you do not get your gun and kill the men with whom you differ. You go to the courthouse and both submit your side of the case to a jury of 12 men and abide by their decision instead of killing each other. Why should our country, if it has a difference with another country, send our boys to war instead of having an opportunity to submit our differences to 11 unbiased men, just as we submit our domestic differences to a jury of 12? If anyone was so unwise as to urge that we abolish juries to settle our differences and go back to killing each other with pistols and shotguns, no one would vote for such a change—certainly no Christian people would think of doing such a thing. Why not prevent our country going to war by arbitrating our differences with other nations before an impartial tribunal?

I have done everything I could to prevent foreigners from overflowing our shores and as a member of the Immigration Committee will continue to do my utmost to keep them out. Senator JIM REED, of Missouri, who is leading the fight against the World Court, differed with me in this and strongly opposed the immigration bill which I supported. I think there is a thousand times more danger to our country from overflow of Europeans than there would be in arbitrating such differences as we wish to submit to a court. From statements contained in several letters that I have received, the World Court is entirely misunderstood by some. Some letters say the Catholics will control the court, which is not the fact. The majority of the judges on the court are not Catholics. I received thousands of letters from Protestant ministers and members of Protestant churches urging me to support this court of justice, but have not received a single letter from a Catholic priest urging my support. The Baptists, Methodists, Presbyterians, Episcopalians, Unitarians, Christians, and all Protestant churches are supporting it.

The conditions under which we shall support this court are plainly and clearly set forth. One is that the court can not consider any case or question in which the United States is interested in any manner without consent of the United States. Another condition is that at any time by a majority vote of Congress we can withdraw from the court. Domestic questions, such as immigration, citizenship, Monroe doctrine, and like questions, can not be submitted to this court. Another condition is that we in no way become associated with the League of Nations by becoming a member of the court.

I feel sure you have been misinformed about the conditions under which we shall join the court and that after careful study of conditions and reservations you will approve my voting for the measure with the hope of preventing our Georgia boys ever having to go to another war.

Sincerely yours,

Mr. GILLETT. Mr. President, I am sorry that the original Swanson reservations have been changed at all. It does not seem to me that the changes and additions have added materially to the security of the United States. In my opinion they are quite superfluous, and they make our adherence to the court look somewhat suspicious and grudging. However, I defer to the judgment of those who have charge of the matter and presume they were right in thinking that it was politic to make the changes; but, personally, I regret it.

I do not think that all the first reservations, even, were necessary. For instance, the very first one of the original reservations reads as follows:

That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting part 1 of the treaty of Versailles.

I do not think that was necessary. I think, without that, it was clear that the United States was not assuming any obligations under the League of Nations treaty. It seems to me that the opposition, when they argue as they have, that the League of Nations is closely related to this World Court, do not prove anything material. They say that the World Court is an agent or creation or functionary or part and parcel of the League of Nations. Admit for the sake of argument that that is true. That does not prove that the United States, by adhering to the World Court, assumes any obligations under the covenant of the league. The question that decides that is, What new relations to the League of Nations does the United States assume by adhering to this treaty?

By this treaty we do just two things. We say, first, that a representative of the United States will unite with the representatives of the other nations in voting for members of the court; secondly, that we will pay part of the expenses of the court. Does that add to our obligations under the League of Nations? It seems to me clear that it does not at all. I do not think any representative of the United States will be contaminated by association with the other members of the electoral college; I do not think our money will become tainted by going through the treasury of the league; and I do not think the obligation of the United States is in the slightest degree affected by its adhering to this statute. Consequently, it seems to me that even that reservation was superfluous.

I suppose the reason why it was suggested was because the opponents of the World Court from the very outset charged that adherence to it was a step toward the United States entering the league—"entering by the back door" was their favorite expression—and I suppose it was thought politic and wise to state by this reservation that we were not assuming any obligations of the league in order to contradict that argument. Except for that purpose, it does not seem to me that there was any reason at all for even that first reservation.

Why was it that the United States did not join the League of Nations? It was because we did not wish to become entangled with the political disputes of Europe, and we did not wish to give up any right to independent action. Are those two motives in the slightest affected by joining with other nations in voting for judges of a court, by paying part of the expenses of the court, and by submitting to that court whatever disputes we wish, and absolutely no others? It seems to me preposterous to claim that that was an assumption of obligation on the part of the United States.

Of course, this court does come from the league and is favored by the league. To me, that is a matter of entire indifference. I appreciate that in the case of some Senators who were here during the very heated debates upon the league, there is left some personal and political feelings, which are not easy to forget, and which probably have not yet died out. I have no such feelings, however. While I do not want the United States to join the league, I have the kindest feelings toward it. I regret its failures; I rejoice in its successes. I hope the league will prove, as seems likely, a beneficent factor in the political affairs of Europe and may smooth out international difficulties and act as a clearing house for minor complications until it has won prestige and power sufficient to grapple with the big problems. I hope it may achieve even more successfully for Europe the good will and cooperation that the Pan American Union is bringing to this hemisphere. I hope we shall cooperate with its good work. Indeed, I hope international cooperation will steadily increase, for with nations, as with men, acquaintance and cooperation is apt to lead to friendliness and good will.

I do not think the World Court was created by the League of Nations. It seems to me the World Court technically was created not by the league, but by the statute; but that again to me is a matter of indifference. I do not care so much for its origin as for its effect. I am not so much interested in its pedigree as in its progeny; and if it will accomplish the results that I wish, then it matters little to me whether it is of American or of league origin, although it gratifies my national pride to know that America has long and steadfastly urged this very project; and it gratifies my personal feelings and increases my confidence in the court to know that one of the most influential agents in the formation of the procedure of the court was that wise, far-sighted statesman, Elihu Root, to whom to-day is as applicable as to any living man the epigram of Mackintosh—

A name that would add authority to truth and furnish some excuse even to error.

It is not surprising that Mr. Root has been quoted during this debate by men on both sides. Criticisms he made of the court have been cited. I do not suppose anybody in all the 50 nations that compromised on this court was entirely satisfied with it. I do not suppose there was a statesman who did not feel some criticism of it. But I want to remind you that, despite Mr. Root's strictures, which have been read, yet he believed that the benefits of this court were vastly greater than its defects, and he is heartily and earnestly in favor of the adherence of the United States to the protocol.

I can not see how sending a delegate to vote for members of the court in conjunction with representatives of other nations and sharing in its expenses and submitting to its jurisdiction and decision in such cases as we choose is going to entangle us with European problems or league interests or jeopardize our independence of the league.

On the other hand, to refuse to support the court would show indifference to the great cause of judicial settlement of international disputes, which is the most helpful pathway to peace and the one which America has most persistently followed, and our action now is awaited with eagerness by the whole world. To join will give new heart to the peace lovers; to refuse would discourage them. And when the League of Nations, following the lead of the United States in The Hague conventions, adopting the spirit and the letter of American statesmen, formulates this enlightened plan for a World Court I think we ought to welcome it with gratitude and hopefulness.

Coming to the new reservation about advisory opinions, I do not approve of that change. It seems to me quite superfluous. It does not seem to me that without that reservation there is reason to fear that any advisory opinion would either be asked or given in the future which would affect the United States.

I was one of those who would have preferred that the court did not have any jurisdiction at all to render advisory opinions, but that jurisdiction was given to them, and I must confess that experience so far has justified the experiment. The action of the council so far in referring matters to the World Court has enhanced its reputation.

The council, of course, is a political body. It is supposed to act from motives of political expediency, and all the questions which the council has submitted to the court the council had the right to decide without any such opinion. They could have decided them on political lines. But the council, instead of doing that, did what they were not obliged to, and referred the legal questions to the court and agreed to abide by the decisions of the court. Thereby it seems to me the council has enhanced its standing in the opinion of the world as a body trying to do what was right and fair and just instead of what was politically expedient. Therefore it seems to me that so far the conduct both of the council and of the court have strengthened the arguments of those who thought the court ought to have jurisdiction to render advisory opinions.

The court action in relation to those opinions has been exactly what those who favor the court and those who oppose the court approve. They have notified all parties in interest of the hearings; they have had the hearing in open court; they have had it conform exactly to judicial proceedings; they have given their opinions publicly in all cases where the different parties in interest came before them, and in the only case where one of the parties refused to submit to its jurisdiction the court refused to comply with the request of the council and decided that they would not render any opinion. That is exactly what I suppose everybody in this Chamber desires and approves. And under this practice they could never render an advisory opinion affecting us unless we submitted to their jurisdiction.

It is suggested and, of course, it is true that the court might reverse itself. In the case where it refused to give an opinion because one of the parties refused to appear the decision was by a vote of 7 to 4, and it is said that some of the 7 might go over and join the 4. Of course, that is possible, but it seems to me it is utterly improbable, so improbable that I do not consider it a danger. The judges of a court are actuated by human motives, like the rest of us, and every court and every judge is jealous of the power and of the independence of the court. Therefore having once declared its independence of the council, having asserted that it had a right to decide for itself whether it should give an opinion or not, and was not bound by the request of the council, was not subject to the orders of the council, according to all principles of human action the court in the future will be vastly more likely to hold to that opinion than to reverse it. The 4 will be much more likely to go and join the 7 in upholding the independence of the court than the 7 will to go and join the 4. Particularly after the explicit statement of the United States that we will not be bound by an advisory opinion which affects it, unless it consents, the World Court will be very slow to reverse itself.

No court is seeking to make a breach with any great country. Therefore the great probability is that, instead of reversing themselves, they will affirm the ground which they have already taken.

Indeed, I would go farther than that. I do not think there is any danger that the council, political body that it is, would ever request the court to give an advisory opinion where the United States was interested and where the United States objected, because, while the council may be perfectly willing to flout the United States, the council does not care to be flouted by the United States, and we have given them notice that if they do request such an advisory opinion we will not regard it. Therefore it seems to me the council would never ask the court for an advisory opinion which they were sure would not be regarded by the party to be affected thereby. Of course they have a right to ask it. As Burke said, "Man has a right to shear the wolf." But they are not very likely to engage in such an unprofitable occupation.

So I do not think that without this reservation there would be the slightest danger that the United States would ever be affected by an advisory opinion. I do not think the council would ever ask one or that the court would ever yield to such a request.

This reservation will not lessen the opposition in this Chamber to the World Court, though it may remove one talking point, but I suppose it is possible that it may relieve some honest apprehension.

I fear that on both sides of this general question there has been much exaggeration. I do not refer to Senators particularly, but in the debate that has been going on in the last three years throughout the country I fear that those who are in favor of the World Court have exaggerated the benefits that are to come from our entrance, and I fear that those who have opposed the World Court have exaggerated the dangers.

We are not going far toward world peace, which is the goal at which we are all aiming, by simply giving our adherence to a court which can only try cases which the parties agree to

submit to it. It is obviously but a first step, and but a short step. To be sure, there is in the statute that optional provision allowing nations to agree to compulsory jurisdiction, but it is rather pathetic to note who the nations are that have made this agreement that all their disputes shall be submitted to the court. It is only the weak, the small nations, those which can not defend themselves. It is the fragile china vessels which want a court. The iron pots are not afraid of a collision. The defenseless nations, which have no armed protection against an aggressive neighbor, agree to submit all their disputes to the jurisdiction of the court, but the great powers, confident in their strength, prefer to reserve to themselves the arbitrament of force. It reminds me of the verse:

Laws, we are told by ancient sages,
Have been like cobwebs in all ages.
Cobwebs for little flies are spread,
And laws for little folks are made.
But if an insect of renown,
Hornet or beetle, wasp or drone,
Be caught in quest of sport or plunder,
The flimsy fetter flies in sunder.

So here, it is only the small folk, the weak nations, that have agreed to compulsory jurisdiction.

At the same time, I recognize that it could not be otherwise. No treaty which provided for compulsory jurisdiction would be ratified here, and very likely would not have been ratified by any of the powerful nations. We had to begin by a first step. But I am sure the hope of every peace lover, the hope of every believer that recourse to a court is a better method of settling international disputes than war, is that the time will come—it will not be in our day—when this court will have proved itself such a just and satisfactory arbiter of international quarrels that the great powers will follow the example of the small and out of self-interest will all gladly submit themselves to its jurisdiction; that they will find that it is better for them to lose a case before a court than to win one by war; and that finally all the nations will agree to the compulsory jurisdiction.

But, of course, that is a distant goal. Yet it is that at which we aim. This is a step, but only a short step, toward that goal. There is a class of people who say that we always have had wars and we always shall have wars until human nature changes, and that it is hopeless to try to prevent them. I have no patience with that kind of talk. I do not imagine that this World Court is an immediate panacea for war, but I do believe that mankind and civilization are progressing. The world is better than it was a thousand or a hundred years ago and will be still better a hundred or a thousand years hence. "I doubt not through the ages an increasing purpose runs," and the time is going to come, the time is sure to come, when men will be so intelligent and so civilized that they will find some permanent remedy for the horror and scourge of war. I do not suppose we have yet reached that goal, but I do believe the time is surely coming. It is possible that this is the generation, the fortunate generation, that is destined to reach that goal and abolish war. No one can tell.

The last war ought to have made the hatred of war more intense than it ever was before. It had more horrors, more destructiveness than ever before, and it instilled into the minds of the whole world an appreciation of its wastefulness and terror. It did another thing. It took away all of the glamour of war. There has always been an appeal of the warrior to the young of both sexes. When the typical man of war was a splendid young athlete, a young man of courage and vigor, to whom his mother said, "Come back with your shield or on it," there was a heroism that appealed to mankind. But the last war stripped much of that away. It showed that now the typical winner of war, instead of being a noble athletic young hero, is likely to be a withered, spectacled old man sitting back in a laboratory and developing some method of destroying millions of men, women, and children without any danger to himself. So it seems to me much of the glamour has been taken away while the horribleness has increased.

Therefore this generation ought to feel more keenly than any before that they should do what they can to prevent war. As I said, it is just possible, although I do not think it probable, that this is the generation which in the wisdom of Providence has been destined to end the scourge of war. At any rate, whether it has or not, the only way that scourge ever will be ended is for each generation as it comes to strive earnestly along the lines which they recognize as best to abolish war. I think there is no question that in this generation our wisest statesmen have recognized that the best chance of a substitute for war is recourse to a court. So as that is not

only the American but the world-wide belief, it is our duty to follow out that course and try to make the court a precursor of the end of war.

Probably it will not succeed now, but it may. At any rate, it is up to us to do our duty, to follow the lines which this generation has decided are the best, and then in the future let the next generation follow out its lines with the assurance that some time a method will be found which will end all war.

The resolution which is before us providing for the adherence of the United States to the World Court is the best step toward ending war that we know of. Practically all the rest of the nations of the world have agreed to it. Why should not we?

In closing, if I may say a personal word, representing as I do in part the State of Massachusetts, we feel there that we are a peculiarly law-abiding and law-respecting Commonwealth. I do not know that we are any more so than every other State of the Union. I hope we are not. At any rate, our people have learned to look to their courts as their security. I think only those distrust the fairness and wisdom of our State judiciary who have not lived among us long enough to have experienced their beneficent effects. The high rank and efficiency of our State judges in every grade of our courts, not only now but throughout the last century, have made us respect and trust the administration of the law and be a law-abiding people. To be sure, our State motto is "Ense petit placidam sub libertate quietem"—By the sword we seek peace with liberty—but for generations that sword has been sheathed as against our sister States. We have learned that the courts are a better arbiter. And as we look back on the "placidam quietem," the unruffled peace which our courts have brought us, we wish that peace to be extended to all, and we look with ardent longing to the day when all the nations will trust their disputes to judicial decision as instinctively and confidently as we have learned to do, and we should like to make applicable to the whole world that noble phrase which our fathers imbedded in our State constitution, that it may be "a government of laws and not of men."

Mr. FRAZIER. Mr. President, there seems to be a wide difference of opinion with regard to the World Court question now before us. The junior Senator from Alabama [Mr. HERLIN] a few moments ago declared that if we were in the World Court we would practically abolish war. I have here a copy of an article by the Hon. Edward M. House, who was during the Wilson administration one of the close advisers of the President, or supposed to have been. This article appeared May 16, 1925, in Collier's National Weekly. A paragraph in it was very interesting to me, and I wish to read as follows:

If Germany had not made the blunder of violating her treaty with Belgium and the blunder of conducting a pitiless undersea warfare, it would have been at least doubtful whether we finally would have lauded in the allied camp or the camp of the Central Powers.

At the beginning of the war it was said that we went into the war for the safety of democracy and to put down German militarism. According to Colonel House, if it had not been for some blunder that Germany made we might have gone into the war to put down British militarism and French militarism. The senior Senator from Wisconsin [Mr. LENROOT] a few days ago said that he was the last one to claim that joining the World Court would abolish war, and the Senator from Massachusetts [Mr. GILLET], who just addressed the Senate, admitted practically the same thing, although he hoped that it would be a step in that direction.

These conflicting opinions on the World Court have been rather amazing to me. Some apparently think that the Permanent Court of International Justice is the greatest question before our Nation and that if we will only consent to go into it, always with a few reservations, it will bring peace, prosperity, and happiness to our people and to the people of the world, while others are equally emphatic that it is a dangerous proposition and that its acceptance would be contrary to the traditions and principles of American Government and that it would be a most serious menace to our country. There are others who say it does not amount to anything, anyway, and that we might as well join.

Some are in favor of the World Court resolution because the late President Wilson, "the greatest President of modern times," was for it. Some favor it because President Coolidge, "the idol of the American people," is for it. Some will vote to go into the World Court for the very logical reason that the platform of the "Grand Old Party" in 1924 advocated it or because the platform of the Democratic Party in 1924 advocated it. To be consistent I think that notice should be served on this side of the Chamber or that at least an understanding should be had as to whether or not anyone who, by his vote on this question, does not uphold the party platform and the

President, will be officially kicked out of the Republican Party. It seems that on this side of the Chamber a vote for the World Court is to be considered a test of real Republicanism, but on the other side of the Chamber it is to be considered a test of real Democracy; rather a peculiar coincidence, Mr. President.

There are some of us who have felt for a long time that there was mighty little difference between machine Republicanism and machine Democracy. According to the newspaper reports, there is even a sort of cooperation between the two sides of the Chamber on the tax bill; that is, we are told that they are going to cooperate to lower the surtaxes of the multimillionaires. Of course, I am only a farmer and not learned in the law, and I will admit that it has been rather difficult for me to understand some of the reasonings that have been so ably and fluently set forth for the World Court; but it does seem to me that some vital points have been omitted. It is rather surprising to me that some of our political leaders who, during the campaign of 1924, were so alarmed and who so patriotically acclaimed that the Progressive platform was radical and would undermine the Constitution of the United States and endanger our sacred American institutions, have not raised the same objection to the World Court resolution. Surely there was nothing in the Progressive platform of 1924 half so radical or contrary to the original intention of the Constitution of the United States as the joining of a European world court under the control of the League of Nations, of which we are not even a member.

I am indeed surprised that some of our zealous and ever-watchful officials have not raised the objection that the World Court might become contaminated with radicalism, socialism, communism, bolshevism, or some of the other dangerous "isms" so common in Europe and so dangerous in the United States.

Mr. President, it is to be noted that even the most ardent proponents of the court insist on reservations. Why? Mr. President, they insist on those reservations evidently to make the court safe and sane for the United States. It has been claimed repeatedly that our adherence to the court will in no wise connect us with the League of Nations, but the very first reservation generally agreed to on this point makes this specific statement, that such adherence shall not be taken to involve any legal relations on the part of the United States to the League of Nations. Reservation No. 2 is rather interesting in that it provides that the United States may have a part in the election of the judges.

Especially is reservation No. 3 of interest, which provides that the United States will pay a fair share of the expenses to be determined and appropriated by Congress—determined and appropriated by Congress! Are we to pay according to service rendered, a certain amount for favorable opinions and a lesser amount for adverse decisions? Is that what is meant by a fair share? If we are to pay a fair share, why not let the League of Nations say what that fair share shall be?

Mr. President, it is hard to judge from the arguments that have been presented just what will be the effect or result of our adoption of this World Court resolution. I wish again to quote Colonel House in Collier's Weekly. Colonel House said:

The World Court is a gesture in the right direction, but it is not enough. When, and if, we adhere to the World Court, our position will not be materially different from what it is now. As a member we can, but need not, submit any controversy to the court. As a non-member we have the same opportunity and the same lack of obligation.

I do not know but what those who say that the court does not amount to anything, after all, are more nearly right than those who have argued the other way.

The Senator from Massachusetts [Mr. GILLET] a few minutes ago said he was not so much interested as to whether the League of Nations was the father of the court as he was in the progeny. It occurred to me that it might be doubtful what that progeny might be; as to what kind of a mongrel it might be. I believe there is no question, however, as to the understanding of the rank and file of the people who have passed resolutions or signed petitions for the court. They believe the court for international justice means what the name implies. They believe it means world peace. They believe it means disarmament. They believe it means better conditions for the world in general. The propaganda for the court has said it was for world peace and against war.

It would be impossible to include enough reservations to cover all the points that would be desirable or that would meet all the objections that are raised. It does seem to me, how-

ever, that a great step toward world peace and disarmament might be made if the reservation which I proposed a few days ago were adopted.

It provides:

1. The signature and the adherence of the United States to the statute of the Permanent Court of International Justice is conditioned and dependent upon the establishment, under direction of the League of Nations, of an international police of the seas and the destruction of all armed vessels for use upon, beneath, or above the seas, except such small vessels as are needed for police purposes by the international police of the seas.

Mr. President, if the seas, which are international highways, could be internationally policed, thus doing away with the great navies, which cost the taxpayers of the world billions of dollars each year, we would be accomplishing something worthwhile, not only for our own people but for the world. This, it seems to me, would be a step in the right direction for disarmament and for world peace. Talk about the World Court being a gesture in the right direction? It seems to me that by the adoption of this policing the seas reservation we could make a full step toward disarmament.

I also have proposed a second reservation, which provides that if at any time the United States is not satisfied with the court, Congress may take action withdrawing from it. Our withdrawal could not be considered by the court or the League of Nations as in any sense an unfriendly or hostile act or cause for war; simply the exercise of a friendly consideration agreed upon as a condition to our joining the court.

Mr. President, the argument is advanced that the United States should go into the World Court to help the poor people of the European nations. That is all very well, but this good work should begin at home. There is very great need of something being done to help a vast number of our own people. Some Senators talk about being bound by party platforms. Both of the old party platforms have for years pledged aid and support to the farmers and workers. I would like to know what has ever been done to carry out any of the pledges to the farmer by either of the old parties. Do we owe anything to the people who produce the agricultural products with which to feed the Nation? Do we owe anything to the cotton producers or wool producers? Do we owe anything to the people who perform the labor and produce the wealth of the Nation? Do we owe anything to the coal miners in the anthracite district who, the Senator from Pennsylvania [Mr. REED] says, are suffering great hardships and are on the verge of starvation? Does the Republican Party owe anything to the farmers and workers of America? Does the Democratic Party owe anything to them? Of course, by concerted action of the Republicans and Democrats on the pending tax bill it is proposed to reduce the surtaxes of the farmers and workers. That will help some people, but not the farmers and workers.

It would seem as if the mine operators are practicing the policies advocated by the proponents of the World Court.

I believe it is generally understood before arms shall be taken up in any case among the nations that are under the World Court or in the League of Nations that there shall first be tried what is known as economic pressure or economic sanctions; in other words, they will say, as the coal operators have said to the miners, "If you do not be good, we will starve your wives and children." That is what is being done in the anthracite region, and that is what is being done to-day in Europe in the effort to bring the small nations into line.

Perhaps we should go into the World Court and help the people of Europe get onto their feet, so that they may pay their interest to the big international bankers. Why not help put our American farmers and workers on their feet, so that they may pay their local bankers the interest on their loans? It is said that our joining the World Court will help to establish a foreign market for the farmer's surplus.

Mr. President, if we can get a decent price for our products which are used for home consumption, we can feed our surplus to the birds and fishes or give it to Europe and still make more money than we are making now, and at the same time not necessarily raise the price to the consumer.

It seems to me that it is very apt in this connection to refer to the coal question, which has been under discussion on several recent occasions. It has been shown that some of the local dealers, not only here in the District of Columbia but in other places, are making an immense profit on coal. It has been stated by the junior Senator from Pennsylvania [Mr. REED] and also by the senior Senator from West Virginia [Mr. NEELY], both those States being coal-producing States, that the prices at the mines were not exorbitant and had not been materially raised, but the price to the consumer has been materially

raised, and therefore some one is making an enormous profit because of the coal strike, and at the expense of the consumer.

It is my belief that the rank and file of the people of the United States are vastly more interested in having affairs of our own Nation equitably adjusted than in undertaking to adjust the affairs of Europe.

Mr. President, a great deal of propaganda has been spread on both sides for and against the World Court. There is no question that the rank and file of our people throughout the Nation want anything that will establish world peace. The only question, it seems to me, is as to whether or not this particular measure will establish world peace. On Saturday I offered a substitute for the reservation which had been offered in the first resolution, No. 5. In lieu of that reservation, I offered the following:

That such signature and adherence of the United States to the protocol of the Permanent Court of International Justice is given with the distinct understanding that the United States reserves the right to withdraw its signature and adhesion thereto at any time that the Congress of the United States may determine so to do, and that in event of such withdrawal it shall in no way be considered an unfriendly act.

When the proper time comes I am going to move that this substitution be made in the Swanson resolution.

Mr. ROBINSON of Indiana obtained the floor.

Mr. MOSES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Schall
Bayard	Gillett	Mayfield	Sheppard
Bingham	Glass	Means	Smith
Blease	Greene	Metcalf	Smoot
Borah	Hale	Moses	Stanfield
Bratton	Harrell	Neely	Stephens
Broussard	Harris	Norbeck	Swanson
Bruce	Harrison	Norris	Tammell
Butler	Heflin	Nye	Tyson
Cameron	Howell	Oddie	Underwood
Capper	Johnson	Overman	Wadsworth
Copeland	Jones, Wash.	Pepper	Walsh
Couzens	Kendrick	Phipps	Warren
Curtis	Keyes	Pine	Watson
Dale	La Pollette	Pittman	Weller
Edge	Lenroot	Ransdell	Wheeler
Ferris	McKellar	Reed, Pa.	Williams
Fess	McKinley	Robinson, Ark.	Willis
Fletcher	McLean	Robinson, Ind.	
Frazier	McMaster	Sackett	

Mr. CURTIS. I have been requested to announce the absence of the Senator from Kentucky [Mr. ERNST], the Senator from West Virginia [Mr. GOFF], the Senator from Illinois [Mr. DENEEN], the Senator from California [Mr. SHORTRIDGE], the Senator from Iowa [Mr. BROOKHART], the Senator from Utah [Mr. KING], the Senator from Georgia [Mr. GEORGE], and the Senator from Arkansas [Mr. CARAWAY] in attendance upon a meeting of the Committee on Privileges and Elections.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. ROBINSON of Indiana. Mr. President, I have been very much interested from the beginning in this debate on the World Court, from the moment when the President transmitted to the Senate his message in which the recommendation was made that we adhere to the protocol.

I had not intended to make any remarks at all on this subject. I was anxious to learn all I could from the debate, and I have listened as attentively as I could to all that has been said on both sides of this question. I should like to have brought myself to the position where I could have agreed thoroughly and conscientiously to support the recommendation that we should adhere to this protocol of signature.

There were several reasons for this. The first of these reasons was the fact that immediately upon my appointment as a United States Senator from Indiana I made the public statement that I would support the policies of the administration. That was a voluntary statement on my part, and was not requested in any sense of the word by anybody. I was glad to make the statement, Mr. President, because the Chief Executive of this Nation enjoys to a very peculiar degree the confidence of our people in Indiana and, I think, throughout the country. We believe out there, sir—and I think it is the general impression throughout the land—that much of the great prosperity of American to-day is due to the wisdom of the administration.

When the recommendation was transmitted to the Senate with reference to the World Court protocol, therefore, I examined it very carefully, recognizing as I did then, and as I do now, and as all Senators recognize, that the Senate itself has an executive duty to perform in some matters. There is both a legislative function and an executive function which the

Senate at times must exercise; and in these matters the Senate and individual Senators can not merge their responsibility with that of the Executive.

There is a presidential policy with reference to certain matters, and then there must be ultimately a senatorial policy with reference to executive matters. It is up to the Chief Executive of the United States to formulate the presidential policy, and it certainly is up to the Senate itself to formulate the senatorial policy as relates to executive matters where both the Senate and the Chief Executive are concerned.

Therefore we have an executive session of the Senate, which is usually closed, although it may be open for the discussion of executive business—the confirmation of nominations, for one thing; the consideration of treaties, for another. In all such matters, at the last degree and in the final analysis, Senators must make up their own minds and decide according to their own consciences and according to their best convictions as they are given to see the light.

Therefore, Mr. President, I have followed the debate closely, recognizing that there was a responsibility upon my shoulders in this matter. I wanted ultimately to vote intelligently, and certainly I wanted to vote conscientiously. Whether or not ultimately I may vote intelligently, I most certainly shall vote conscientiously and in accordance with the deepest convictions one can have.

I have been opposed to the entry of America into the League of Nations from the time the suggestion was first made. I have had the pleasure, and I certainly considered it under the circumstances the duty, of going over the State of which I have been a resident and speaking against what I thought was an un-American proposition. I believed then, and I believe now, that America never should enter the League of Nations. I believed then, and I believe now, that America never should accept any obligations under the League of Nations covenant, or the treaty of Versailles so far as it has to do with the covenant of the League of Nations. That was my position then. It never has changed.

Then came about another proposition that gave me some little difficulty until I could go into it carefully, think about it seriously, and ultimately try to vote with regard to it intelligently. I have reference to that paragraph in the Republican Party platform drafted at the national convention of the party in Cleveland in 1924.

I had the honor, sir, as a delegate from my State, to be at that convention. I know something about that plank in the platform. I knew something about it then, as other Members of this body do and did. There was much discussion about it at that time, and finally it was drafted in this wise:

The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step in this direction we endorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge. This Government has definitely refused membership in the League of Nations and to assume any obligations under the covenant of the league. On this we stand.

Mr. President, I have always been a party man. I have always been a member of the Republican Party, as I am to-day. I have always voted the Republican ticket and believed in and subscribed to Republican principles, as I do to-day. This is a Government by parties. As long as it is, some party must be charged with the responsibility of conducting the Government. I believe in that principle of government. The Republican Party has its platform of principles, and I subscribe to those principles; and in the position I am about to take on the matter now before this body I think again I can conscientiously vote my sentiments and my convictions and still subscribe to the platform of my party.

To repeat, Mr. President, the platform says:

This Government has definitely refused membership in the League of Nations and to assume any obligations under the covenant of the league. On this we stand.

The question, therefore, Mr. President, is this, so far as I am concerned as a party man: Do we assume any obligations to the League of Nations if we adhere to the protocol of signature, as has been proposed in Senate Resolution No. 5?

My answer is emphatically yes, if we go in; if we stay out, no. If we go in—and I vote to go in—then it seems to me I am not true to my party's pledge, having conscientious convictions as I have just stated. If I vote to stay out, then it seems to me I have done my full duty by the platform of the Republican Party.

That brings me, Mr. President, to the consideration for a moment of Senate Resolution No. 5, as modified in open executive session last Saturday.

I may say to you, sir, that I voted against cloture yesterday in this body, and for this very good reason: Senate Resolution No. 5, as modified in open executive session last Saturday, never had been debated in this body, and therefore the country had not had the views of individual Senators with reference to it and therefore could not be familiar with the arguments of individual Senators pro or con with reference to it. I believed that in a matter of this kind, which involves so much to our country, which represents a departure from our traditional policy of 138 years, this resolution as modified should have been thoroughly debated before ever it was acted upon.

Cloture was suggested, which would stifle debate, and because I knew it would and because I did not believe debate ought to be stifled I voted against cloture. Now, therefore, I want to discuss this resolution as modified in the brief time allotted me.

First let me suggest, Senators, that the then Secretary of State, Hon. Charles Evans Hughes, on February 17, 1923, or a day or two before that, transmitted to the President a statement, which was in turn sent to the Senate, in which Mr. Hughes used this language:

There is, however, one fundamental objection to adhesion on the part of the United States to the protocol and the acceptance of the statute of the court in its present form. That is, that under the provisions of the statute only members of the League of Nations are entitled to a voice in the election of judges. The objection is not met by the fact that this Government is represented by its own national group in The Hague Court of Arbitration and that this group may nominate candidates for election as judges of the Permanent Court of International Justice. This provision relates simply to the nomination of candidates; the election of judges rests with the Council and Assembly of the League of Nations. It is no disparagement of the distinguished abilities of the judges who have already been chosen to say that the United States could not be expected to give its formal support to a permanent international tribunal in the election of the members of which it had no right to take part.

Mr. President, as early as that moment, when this protocol was transmitted to the Senate, the then Secretary of State, Hon. Charles Evans Hughes, saw vital defects, fatal defects, in the thing itself. The protocol came along. I read from it:

PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Provided for by article 14 of the covenant of the League of Nations with the text of the statute

PROTOCOL OF SIGNATURE

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

I invite the attention of members of the Senate to that statement, "The members of the League of Nations, through the undersigned." The only way we can participate in this matter fully and thoroughly is to become a member of the League of Nations. Furthermore, if this resolution shall be adopted as it has been presented, I make bold to say that for many purposes we will become actually a member of the League of Nations. There can be no question in the world about that.

The protocol itself and the statute provide for the election of judges to the so-called World Court, which is only a court of the League of Nations. It is not a world court in any sense of the word, as I view it. Judges are to be elected by the Council and the Assembly of the League of Nations. There is no question but that if we vote for judges we must become, for that purpose at least, a member of the League of Nations, and if we vote to pay the judges any amount we may pay we become, so far as the payment of judges is concerned, a member of the League of Nations. Therefore, both for the election of judges and for the payment of judges, we become a member of the League of Nations.

The resolution itself, as modified last Saturday in open executive session, is enlightening on this point. I quote from the resolution:

Whereas the President, under date of February 24, 1923, transmitted a message to the Senate, accompanied by a letter from the Secretary of State dated February 17, 1923, asking the favorable advice and consent of the Senate to the adherence on the part of the United States to the protocol of December 16, 1920, of signature of the statute for the Permanent Court of International Justice, set out in the said message of the President (without accepting or agreeing to the optional clause for compulsory jurisdiction contained therein), upon the conditions and understandings hereafter stated, to be made a part of the instrument of adherence: Therefore be it

Resolved, etc.—

Mr. President, I want to invite the attention of the Senate to the first reservation in the resolution as modified:

1. That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the treaty of Versailles.

That brings up an interesting question for discussion. The language is "any legal relation." Who is to determine whether we are sustaining any legal relation to the League of Nations or not, except it be the court of the League of Nations itself, whose constitution is the covenant of the League of Nations itself, just exactly as the Constitution of the United States is the governing body of laws for the Supreme Court of the United States of America?

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. Yes; I yield to the Senator if it will not take too much of the little time I have.

Mr. WALSH. The statement the Senator has just made has been made so often that I would like to have the Senator devote perhaps two minutes to explaining how it is that the covenant of the League of Nations is the constitution of the World Court. I had supposed that the statute attached to the protocol was the constitution of the court. I would really feel enlightened if the Senator would devote two minutes to a discussion of that question.

Mr. ROBINSON of Indiana. Article 14 of the covenant will be thoroughly enlightening to the Senator if he will consult it, and it will not take any of my time, I say, with deference to the Senator, if he will read article 14. Let me suggest this to the eminent Senator from Montana, that without the covenant of the League of Nations there could be no League of Nations. Without the League of Nations there could be no World Court. Therefore, what is back of the World Court? You can not put the capstone on before you lay the foundation. The foundation is the covenant of the League of Nations; there can be no question about that.

Mr. LENROOT. Mr. President, will the Senator yield for a question?

Mr. ROBINSON of Indiana. Yes.

Mr. LENROOT. If the League of Nations should be abandoned to-day, would the court stand with all the powers conferred by its constitution?

Mr. ROBINSON of Indiana. Mr. President, my answer to that is that, in the first place, the League of Nations, in my judgment, will not be abandoned, because there are some interests involved, with which we do not care to entangle ourselves, that will not permit it to be abandoned. Answering the Senator's question directly, if the League of Nations were abandoned to-day, the World Court would fall instantly. It would not last 10 minutes, in my opinion.

Mr. LENROOT. Will not the Senator explain why?

Mr. ROBINSON of Indiana. Mr. President, I have taken no part in this debate, while other Senators have talked for hours, and at most I have only an hour. I assume that the Senator is as thoroughly familiar with the explanation as I can possibly be, and I would like not to have to devote a lot of time to that particular question. The Senator asked for my opinion, and I have given it to him.

Mr. LENROOT. I would be glad to have the Senator give me his opinion in my time.

Mr. ROBINSON of Indiana. Will the Senator repeat his question?

Mr. LENROOT. The Senator has made the statement that the court would immediately fall should the League of Nations be abandoned to-morrow. I deny that, and I would like to have the Senator substantiate his statement.

Mr. ROBINSON of Indiana. Mr. President, that is a peculiar question to ask. I know how thoroughly the Senator from Wisconsin is interested in having the resolution adopted. I know how completely the Senator was interested in the League of Nations in the days gone by, and therefore I am not surprised that the Senator would like to suggest some question that would probably not go to the root of the matter at all. But I am willing to answer the question as propounded. I will say to the Senator from Wisconsin that, first of all, without the League of Nations there would be no World Court.

If you take the foundation away from the World Court the court must totter to its ruin. It would be bolstered, if at all, by public opinion among the nations that are involved, and ultimately it might be revived into some kind of a tribunal such as would represent all of the world. At present it could not do that, since it is simply a league court and not a world court in any sense of the word.

Mr. LENROOT. Does the Senator think he has answered my question?

Mr. ROBINSON of Indiana. I will leave that to the Senator from Wisconsin. I do not care to take any more time, even of the Senator, in answering a question of that kind.

If I may proceed further, I would like to suggest also to the Senator from Montana that yesterday it was he, as I remember, who suggested that we have to take this thing now or not take it. The eminent Senator said, "You have to vote for this now or let it alone. If you do not want it, do not vote for it. If you want it, vote for it." That was in connection with the fact, which is admitted by Senators generally, I think, and by people all over the country and the world, that if we go into this court the British Empire will have 7 votes in the election of judges to 1 for America.

In that particular I should like to say to the Senator from Montana that I certainly should vote against the so-called World Court as long as any nation on the face of the globe were given such a decided advantage over my own country. If the British Empire, with the states which it embraces, is given 7 votes in the election of judges, then, as a patriotic Member of this body and interested in my country's welfare, I shall insist that the American Nation have just as many votes as any other nation on the face of the globe.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I yield.

Mr. WALSH. Does not the Senator believe that it will never be possible to organize a World Court in which Canada and Ireland will not have a voice?

Mr. ROBINSON of Indiana. I will answer that by saying that it never will be possible to organize a World Court with my vote, simply speaking for myself, if any other nation on the face of the globe is to have more votes in the election of judges to constitute that court than the American Nation.

Mr. WALSH. I did not ask whether the Senator would vote for it; I asked whether he thought it possible to do it.

Mr. ROBINSON of Indiana. I am not so sure that I think it ever will be necessary to do it. It might not be possible to organize a court under the League of Nations, as the Senator has suggested.

Mr. WALSH. No, Mr. President, if the Senator will pardon me. I want the Senator to dismiss all idea of the League of Nations. We are going to abandon all that, and we are going to try to organize another court. I want to know from the Senator if he thinks it would be possible to get a world conference to organize a world court in the selection of the judges of which neither Ireland nor Canada would have a voice?

Mr. ROBINSON of Indiana. Mr. President, there is the Irish Free State, there is the Dominion of Canada, there is South Africa, there is New Zealand, and there is Australia. We have a constitutional form of government in America, with 48 sovereign States. We began with 13. Each and every one of those States is as thoroughly sovereign under the Constitution as any of the States suggested by the eminent Senator from Montana. I ask the Senator whether or not it is not just as fair for an American sovereign State, one of the Union, to have a vote in the election of judges for a so-called World Court as it is for one of these states in the Empire of Great Britain?

Mr. WALSH. I will answer the Senator, that the organization of the United States of America, 48 States, is essentially different from the organization of the British Empire.

Mr. ROBINSON of Indiana. Of course it is; there can be no question on that proposition; but just the same, all of the states of the British Empire constitute the British Empire, and all of the States of the American Union constitute the Republic of the United States of America; and I say that only with the kindest feeling toward the British Empire and toward the Senator from Montana, who so stoutly champions the cause of that great empire.

Mr. WALSH. Mr. President, the Senator is not justified in making that statement, and I call him to order for it. I call him to order. That is a violation of the rules of the Senate.

Mr. ROBINSON of Indiana. If the Senator denies it, I cheerfully withdraw the statement.

Mr. WALSH. I have never championed the cause of the British Empire, and the Senator knows I have not, on this floor, in his presence at least.

Mr. ROBINSON of Indiana. I suggest to the eminent Senator from Montana, if I may, that if he believes the British Empire should have 7 votes in the election of the judges of this court and only 1 for his own country, he may not be championing the British cause; but he may call it what he pleases, and I will accept his own definition.

Mr. WALSH. The Senator knows I have not championed it nor advocated anything of the kind, and I deny that the British Empire has any 7 votes.

Mr. ROBINSON of Indiana. May I ask the Senator, then, whether he is against voting for the World Court with that provision in the resolution?

Mr. WALSH. With what provision?

Mr. ROBINSON of Indiana. That the British Empire shall have 7 votes to our 1.

Mr. WALSH. There is no such provision.

Mr. ROBINSON of Indiana. Let us get down to the facts. I will answer that in a moment. Let us go on further with the resolution.

Mr. LENROOT. Mr. President, I would like to ask the Senator a question.

Mr. ROBINSON of Indiana. Is this all on my time?

Mr. LENROOT. Just one question. It would take but a moment to answer. Does the Senator really think the British Foreign Office will control the vote of Ireland?

Mr. ROBINSON of Indiana. Let me ask the Senator this question: Is the Irish Free State a part of the British Empire? It either is or it is not. It can not be a part of it and not a part of it.

Mr. LENROOT. But does the Senator from Indiana think that the British Foreign Office will control the vote of Ireland in the election of judges?

Mr. ROBINSON of Indiana. I do not know what the British Foreign Office will do. I have no intimate connection with the British Foreign Office. Perhaps the Senator may have. If he has, he might tell us what they will do. I do not know what they would do on that proposition.

Mr. LENROOT. The Senator and I both have a pretty good idea of the attitude of the Irish Free State, however.

Mr. ROBINSON of Indiana. I do not know what votes the British Foreign Office may control, and I do not care to know, may it please the Senator from Wisconsin. I do not care to know anything about what the British Foreign Office shall control. I am interested in seeing to it that among the nations of the earth America has just as many votes as any other organized government. I am interested in that proposition to the whole extent of my being.

I come now to No. 2 of the reservations:

That the United States shall be permitted to participate through representatives designated—

Note that language, Senators—

That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

I invite the attention of the Senate to the fact that that reservation states conclusively that the United States shall be permitted to participate through representatives designated—to do what? To become members of the League of Nations for the purpose of voting for judges. It is nothing else than that. There it is in so many words, that we shall be permitted to name representatives to participate in the League of Nations for the purpose of electing judges.

Mr. BLEASE. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. ROBINSON of Indiana. I yield.

Mr. BLEASE. The paragraph just read coincides with the Senator's contention that if the League of Nations falls then the World Court falls, and that sentence is a complete answer to the question asked the Senator from Indiana by the Senator from Wisconsin.

Mr. ROBINSON of Indiana. Of course, it does. I never thought there was any serious question about that. [Laughter.]

Now, let us go to No. 3 of the reservations:

That the United States shall pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

That the United States shall pay a fair share of the expenses! That puts us into the League of Nations. There is no question about that, because the covenant itself and the statute itself provide that the expenses shall be paid by the League of Nations. We undertake to pay a part of the expenses and become, for that purpose at any rate, an integral

part of the League of Nations. Senators may laugh, but it is the truth, nevertheless.

Now, let us go to the next reservation, No. 4:

That the United States may at any time withdraw its adherence to the said protocol and that the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

The United States may at any time withdraw its adherence to the said protocol! Let me suggest a situation that might easily arise. I was very much interested in the discussion on this point yesterday. How are we to withdraw? The distinguished Senator from Virginia [Mr. SWANSON] has my very sincere admiration for the excellent manner in which he has presented the whole proposition—largely, may I interpolate, from a Democratic standpoint—but in any event I admire the Senator's presentation of the thing from any standpoint. I was interested in his statement of how we should withdraw. Suppose we want to withdraw. Why, said the Senator, we would withdraw by joint resolution of the Congress.

I suggest this possibility: Suppose some grave injustice might be done this country or we felt that it is an injustice. Suppose we might be able to get a majority of the Congress in both Houses to pass a joint resolution; but suppose the Congress were not in session at the time and suppose there were some question about the matter that required a lot of debate. Suppose we brought the matter of withdrawing before this body and the body at the other end of the Capitol. Suppose the discussion ran along for a year or two years, and suppose at the end of that time we finally withdrew, but we then found the Monroe doctrine had been violated thoroughly while we were deciding whether or not we should withdraw. Mr. President, in that event I submit it would lead to war or else it would be necessary for us to say that we had given up all our contentions under the Monroe doctrine, that great American principle.

We might be as much as three years withdrawing from adherence to the protocol. It would not make any difference whether it were a day or a year or 10 years, the fact remains that we could not withdraw in a moment and while we were withdrawing grave injustice might be done this country that would ultimately lead to war, but never to peace.

Let us examine the resolution still further:

5. That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

In that connection let me suggest to this honorable body that there are many questions on which advisory opinions might be sought that would affect the United States of America considerably and very deeply, yet we would not be parties to any issue that might be involved therein.

I have only to suggest perhaps something that might come out of the Tacna-Arica dispute in South America at the present time. Advisory opinions could be given by the court of the League of Nations. Of course, they could be given because, strictly speaking, we would not be affected, but morally and practically we would be very much affected in a matter of that kind. A grave injustice might be done to the people of this country if we had not the Monroe doctrine to fall back upon and rely upon.

Finally, I come to this concluding sentence in the modified resolution:

Nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Who shall determine what is an American question? Why, the court of the League of Nations would decide what is an American question and what is not. Then we should have the opportunity of doing one of two things—the alternative of either accepting the adjudication of the court of the League of Nations or of withdrawing from adherence to the protocol, which would involve time.

So we have the situation there before us, as I have suggested previously, that if we go into the World Court, if we adhere to the protocol of the World Court, we become morally members of the League of Nations for many purposes. If we adhere to the protocol of the World Court we abandon practically the Monroe doctrine. There is not a word stated in the resolution or the reservations anywhere that suggests that we do not abandon that doctrine. The nearest we come to it is to suggest that we do not relinquish any of our traditional

principles or our traditional attitude toward purely American questions. But there is only one tribunal that decides what shall constitute American questions if we become members of the Court of International Justice, so called, and that is the court itself. It finally decides those questions.

As long as we refuse to adhere to the protocol of the court, just so long we can protect ourselves under the Monroe doctrine. We can continue to police this hemisphere and decide for ourselves largely what should and should not be done. But the moment we become members of the World Court we give up that right, that traditional right; we abandon the Monroe doctrine to that extent, and must accept the judgment of the World Court or else withdraw from the protocol.

So that from any standpoint, understanding as I do and believing as I do that the constitution of the World Court is the covenant of the League of Nations and knowing as I do that treaties represent the supreme law of the land, it seems to me it would be utterly foolhardy for the American people to depart from their traditional custom of not interfering with other nations in the slightest degree and of not becoming embroiled in their affairs or making any entangling alliances of any kind.

Let me suggest to you, Mr. President, and to the Members of this distinguished body, that entangling alliances have never led to peace. Throughout the history of the world they have led to war. Every Senator sitting here knows that to be a fact. Had there not been entangling alliances I make bold to say that there would have been no World War; there would have been no Sarajevo incident. In fact, that thing never would have happened, and, in my opinion, after it happened if every nation had been standing on its own bottom there would have been no World War. The incident would have been forgotten, because individual nations would not have rushed into the tremendous catastrophe that the World War represented.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. ROBINSON of Indiana. I yield.

Mr. HEFLIN. Does the Senator think that each nation should have stood aloof and let Germany fight one at a time rather than combining to combat the power of Germany?

Mr. ROBINSON of Indiana. I make bold to say something that will enlighten the Senator on that proposition. The Senator knows—and I have the highest regard for the Senator from Alabama—that there were existent at that time in Europe two alliances. There was one called the Triple Entente. That was an alliance, offensive and defensive, that was negotiated between the sovereign powers of Great Britain, France, and Russia. There was at the same time a triple alliance. There were at least five such alliances. It began in 1882, when the first one was formed, and up until 1912, when the last one was formed, there had been five separate and distinct triple alliances, offensive and defensive, between the following powers: Italy, the German Empire, and the Austro-Hungarian Empire. I submit to the Senator and to the Members of this body here and now that if those two alliances, nagging and pulling at each other, had not been in existence, there would have been no World War. It never would have taken place.

What was the dire result therefrom? The result has been that of the six nations engaged in those entangling alliances three are dead to-day—three of them have gone to their death. We saw them die, you and I. The Government of Russia, the great Russian Empire, has ceased to be. The Government of the great German Empire is dead. We saw it die. The great Austro-Hungarian Empire is dead. Two members of the three in one alliance and one member of the three in the Triple Entente are all dead to-day. We want America never to die. Entangling alliances lead to war, never to peace.

Mr. HEFLIN. The point I am making is that we were not involved in any entangling alliance, and yet we went in and tangled ourselves up with foreign nations in the worst war in the history of the world.

Mr. ROBINSON of Indiana. No, Mr. President. Let me suggest to the Senator again that we never made an alliance; there was no treaty of alliance made by America with foreign nations. We were associated with them; we were called an "associated power." We were proud to be associated with them. I know how it was.

Mr. HEFLIN. But we went in.

Mr. ROBINSON of Indiana. We went in on our own account and for a great American principle, but we never receded from the principle of the fathers, the principle of Washington's Farewell Address—no entangling alliances with anybody; peace and good will to the world, but entangling alliances with none.

Mr. HEFLIN. I agree with the Senator from Indiana that we went in because a great principle was involved, but we did go in. We were not entangled with those nations beforehand,

but when the war came on we went in and we fought with those nations until the war was ended.

Mr. ROBINSON of Indiana. That is very true; that is a matter of history; but I do not know what the Senator's point is in again making the suggestion.

Mr. HEFLIN. The point is that if we stay out they can drag us in at any time they want to start another war.

Mr. REED of Missouri. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. ROBINSON of Indiana. I yield.

Mr. REED of Missouri. If the Senator from Indiana will permit me to make the suggestion, there were about 140 wars in the century immediately preceding 1914 in Europe and in Asia, into which we were not dragged, but if we go into the World Court we shall be dragged into all of the wars.

But I wanted to call the Senator's attention to a matter he was discussing, if he will permit me.

Mr. ROBINSON of Indiana. Yes, sir.

Mr. REED of Missouri. And that is, Who is to settle the jurisdiction of the court? Under article 36 it is settled by a majority vote. That article of the statute has never been considered by this body. Although it is in the contract we are supposed to sign, we are not permitted to consider it, because the time has not been given to consider it and nobody has discussed it. Article 36 of the statute in its last clause reads:

In the event of a dispute as to whether the court has jurisdiction the matter shall be settled by the decision of the court.

That is to say, a majority of that court can say it has jurisdiction; we can say that it has not; but what good will it do us?

Mr. ROBINSON of Indiana. Exactly. I will ask the Senator from Missouri also while he is on his feet to read article 37 of the statute—I think that, too, is in point—for the benefit of Senators who have raised this question.

Mr. REED of Missouri. I will read it. It provides:

ARTICLE 37

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the court will be such tribunal.

Mr. ROBINSON of Indiana. So there you are. I hope that is satisfactory to everybody, because it is very plain, Mr. President, and it seems to me there can be no dispute on that point. The court itself will decide what these things mean. The decision will be made not by America but by the court.

Mr. HARRELD. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. HARRELD. May I ask the Senator a question?

Mr. ROBINSON of Indiana. Yes.

Mr. HARRELD. If we become a member of a body which is admittedly the adviser of the League of Nations, and that body does advise the league, are we not advising the league, and do we not become a member of the league in that way?

Mr. ROBINSON of Indiana. I do not think there can be any doubt about it. There are so many ways in which we may become a member of the league that I certainly hope the Senate never will give its adherence to the protocol.

Mr. President, allow me to conclude, for my time has practically expired. We are to-day among the nations of the earth in the most fortunate situation of any. I think there never was a time, generally speaking, when the American people were so well satisfied and so well contented, so far as the great number of our citizens are concerned. We know something of the wreck and havoc on the other side of the seas. I favor helping those people all we can; I favor doing more than extending a gesture; I favor sending relief whenever it seems advisable to America to do so; but, Mr. President, I think it should be done in our own way, when and where we see fit to do so. I see no reason in the world for overturning this great temple of the fathers and starting out with a new policy on an uncharted course, in a direction we have never gone, when we are to-day the unquestioned miracle of the ages so far as successful government is concerned.

Some Senators might say that three governments of the six to which I have just referred as having been brought to their death by entangling alliances might rise again from the ashes of their past; but, Mr. President, those governments are gone. We want this Government of ours—of, for, and by the people—never to perish. We want to go on and on and on. Why take any chances of ruining this Government? What is the reason why we should rush off pell-mell into this World Court

that may result in disaster, as I believe it ultimately will result in disaster?

I hope, Mr. President, that we may go on down through the future and across the centuries following the traditions of the past and the ideals of the fathers of the Republic, following our own national aspirations, a happy and a great people, practicing the golden rule among nations, doing unto others as we would that others should do unto us, and that we may never encourage war or enter into alliances that may lead to war, but that we may go on and on and on and, high and great though we be, that we may even become greater in the future than we now are or ever have been in the past.

Mr. President, because of these facts, because I feel certain that the people of the State whence I came overwhelmingly subscribe to the position I have feebly advocated on the floor during this hour I shall most certainly vote against adherence to the protocol of signature of the so-called World Court.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fess	Lenroot	Robinson, Ind.
Bayard	Fletcher	McKellar	Sackett
Bingham	Frazier	McKinley	Schall
Blease	George	McLean	Sheppard
Borah	Gerry	McNary	Shipstead
Bratton	Gillett	Mayfield	Shortridge
Brookhart	Glass	Means	Simmons
Broussard	Goff	Metcalf	Smith
Bruce	Gooding	Moses	Smoot
Butler	Greene	Neely	Stanfield
Cameron	Hale	Norbeck	Stephens
Capper	Harreld	Norris	Swanson
Caraway	Harris	Nye	Trammell
Copeland	Harrison	Oddie	Tyson
Couzens	Hefflin	Overman	Wadsworth
Cummins	Howell	Pepper	Walsh
Curtis	Johnson	Philips	Warren
Dale	Jones, New Mex.	Pine	Watson
Deneen	Jones, Wash.	Pittman	Weller
Edge	Kendrick	Ransdell	Wheeler
Ernst	Keyes	Reed, Mo.	Williams
Fernald	King	Reed, Pa.	Willis
Ferris	La Follette	Robinson, Ark.	

The VICE PRESIDENT. Ninety-one Senators having answered to their names, a quorum is present.

The question is on agreeing to reservation No. 1.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry. If we pass over reservation No. 1 now, will it hereafter be subject to amendment?

Mr. LENROOT. It will not be, except in the Senate.

The VICE PRESIDENT. If passed over without action, it would be subject to amendment.

Mr. REED of Missouri. That is, when we pass over reservation No. 1 and proceed in that way, passing over and accepting the several reservations, is the subject matter of those reservations open to amendment?

Mr. LENROOT. May I suggest that the reservation should be voted upon and accepted or rejected?

The VICE PRESIDENT. If a reservation is agreed to now, it will not be subject to amendment hereafter without a reconsideration of the vote.

Mr. MOSES. Mr. President, of course after we pass from the Committee of the Whole into the Senate any matter which can properly be offered as in the Committee of the Whole can then be offered in the Senate.

The VICE PRESIDENT. The Senator is right.

Mr. SWANSON. The Senator from New Hampshire is correct. Any amendment or reservation that is adopted as in Committee of the Whole can be reconsidered in the Senate; so if any Senator desires to have another vote on any of these reservations as they are adopted, he can propose an amendment when it gets to the Senate.

Mr. REED of Missouri. I ask for the yeas and nays, Mr. President.

Mr. LA FOLLETTE. Mr. President, will the Senator withhold that motion until I can propound a question to the Senator from New Hampshire? Does the Senator know whether the senior Senator from Minnesota [Mr. SHIPSTEAD] has a reservation which he intended to offer as a substitute for this reservation?

Mr. MOSES. So far as I know, the Senator from Minnesota has no reservation which applies to the first reservation proposed by the Senator from Virginia. I have looked through the printed reservations, and I find none. Is the Senator from Minnesota available at this minute?

Mr. LA FOLLETTE. I have just called his office, and his secretary informs me that he is on his way to the Senate Chamber.

Mr. MOSES. I am informed by the Senator from Idaho [Mr. BORAH] that the Senator from Minnesota has no amendment that applies to the first reservation.

Mr. REED of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CAMERON (when his name was called). I have a pair with the junior Senator from Washington [Mr. DILL]. I transfer that pair to the junior Senator from Delaware [Mr. DU PONT] and will vote. I vote "yea."

Mr. GERRY. I desire to announce that the senior Senator from Alabama [Mr. UNDERWOOD] and the junior Senator from New Jersey [Mr. EDWARDS] are necessarily detained from the Senate. If present, each of those Senators would vote "yea" on this question.

The roll call was concluded; and the result was announced—yeas 90, nays 1, as follows:

YEAS—90

Ashurst	Fess	McKellar	Sackett
Bayard	Fletcher	McKinley	Schall
Bingham	George	McLean	Sheppard
Blease	Gerry	McNary	Shipstead
Borah	Gillett	Mayfield	Shortridge
Bratton	Glass	Means	Simmons
Brookhart	Goff	Metcalf	Smith
Broussard	Gooding	Moses	Smoot
Bruce	Hale	Neely	Stanfield
Butler	Harrell	Norbeck	Stephens
Cameron	Harris	Norris	Swanson
Capper	Harrison	Nye	Trammell
Caraway	Heflin	Oddie	Tyson
Copeland	Howell	Overman	Wadsworth
Couzens	Johnson	Pepper	Walsh
Cummins	Jones, N. Mex.	Phipps	Warren
Curtis	Jones, Wash.	Pine	Watson
Dale	Kendrick	Pittman	Weller
Deneen	Keyes	Ransdell	Wheeler
Edge	King	Reed, Mo.	Williams
Ernst	La Follette	Reed, Pa.	Willis
Fernald	Lenroot	Robinson, Ark.	
Ferris		Robinson, Ind.	

NAYS—1

Frazier

NOT VOTING—5

Dill	Edwards	McMaster	Underwood
du Pont			

So reservation No. 1 was agreed to.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry. As we proceed with the Swanson resolution, and it is accepted by the vote of the Senate, do we then vote upon the articles of the statute? Do we vote at all upon the articles of the statute at any time? Are we approving and ratifying here a document that never has been considered by the Senate, and upon which we are not to vote except in the form of a general approval?

The VICE PRESIDENT. The Chair will state that the form the question will take is: Will the Senate advise and consent to adherence on the part of the United States to the protocol of December 16, 1920, and the adjoined statute of the Permanent Court of International Justice, on the conditions specified in Senate Resolution 5, as modified or amended?

Mr. REED of Missouri. That does not quite answer my question, I think, with all respect to the Vice President. I may have put the question in an obscure way. I will state the point in this way: Here is a contract we are making—a treaty we are making—it is claimed. The body of all we agree to—wilt, the statute—never has been considered by the Senate. I want to know, if we are to pass a general resolution, such as the Swanson resolution, whether the Senate by that act cuts itself off from a right to vote upon the articles of the statute?

Mr. LENROOT. Mr. President, if the Senator will yield, the statute was read yesterday, article by article. Amendments were in order to each article as it was read if they had been offered under the rule. There were none, except those offered by the Senator from New Hampshire [Mr. MOSES], and this morning he waived the consideration of those.

Mr. MOSES. I will add to what the Senator from Wisconsin has said, Mr. President, that at the time I made that waiver, the statute having been read, amendments to the statute were at that minute in order.

Mr. REED of Missouri. I simply want to be clear about it; that is all. I want the Senate and the country to know that we never have given the slightest consideration to the body of the contract upon which we are about to enter.

Mr. LENROOT. It is the Senator's own fault if it was not done, because there was full opportunity to do so yesterday.

Mr. REED of Missouri. It might be my fault, but I think the fault lies with those who cut off debate and any opportunity ever to debate the statute.

Mr. SWANSON. Mr. President, if the Senator will permit me, yesterday afternoon we completed the reading of the statute,

paragraph by paragraph. It was suggested that we report it to the Senate, so that it could not be further considered as in Committee of the Whole. It was at the request of the Senator from Missouri that we took a recess and still left it in Committee of the Whole, as it is to-day, where it has been completed, article by article. It was suggested yesterday afternoon, if I understand correctly, that we should report the statute as read to the Senate and take up the reservations in the Senate; and the Senator asked for an adjournment, leaving it in the Committee of the Whole.

Mr. REED of Missouri. Oh, no; the Senator is in error about that. What I asked was that this whole matter should be left in the Committee of the Whole, and not the mere protocol or resolution of ratification. The Senator is in error.

Mr. SWANSON. But the Senator will remember that the whole statute was read yesterday.

Mr. REED of Missouri. I remember that it was read about as fast as it could be read.

Mr. SWANSON. But the Senator was listening, and there was every opportunity for amendment. There can be no misunderstanding about that.

Mr. REED of Missouri. It really was not read for amendment.

Mr. SWANSON. That was the only reason why it was read. It was read for amendment under the rule, which says that it shall be read, article by article, for amendment.

Mr. REED of Missouri. The Senator's resolution was read also. The statute was read also.

Mr. SWANSON. I do not know whether the resolution was read or not. I doubt it.

Mr. REED of Missouri. We did not have the matter before us for amendment. It is not before us now.

Mr. SWANSON. We did; and it was understood that it was about to be reported from the Committee of the Whole to the Senate, and the Senator requested, if I remember rightly, that it should continue in the Committee of the Whole unchanged until to-day, and a recess was taken until to-day.

Mr. REED of Missouri. Very well; if that be the case, that would leave it open for amendment now; but I did not make that request.

Mr. SWANSON. It has been read and debated in the Committee of the Whole. The Senator can offer any amendment in the Senate when it is reported to the Senate.

Mr. REED of Missouri. It never was debated in Committee of the Whole, in my recollection. I simply have asked for information. We have the ruling, and so we understand now that the Senate of the United States, without one moment's debate regarding this statute, which constitutes the body of the contract, are proceeding, under "gag" rule, to jam it down the throats of the Senate and of the country.

Mr. LENROOT. Mr. President, I want to take just a moment. I think it is true that this statute has not been debated by any of the opposition, except the Senator from Missouri and, to some extent, by the Senator from Idaho. Upon more than one occasion during the general debate I called attention to the fact that the opponents of the resolution were not debating the statute; that they were debating entirely the League of Nations, and I begged them to debate the statute, but I was always met with the response that they were going to do so by and by.

Mr. REED of Missouri. We intended to, but you gagged us, and did it deliberately, for your statute will not bear discussion.

The VICE PRESIDENT. The Secretary will read reservation No. 2.

The Chief Clerk read as follows:

RESERVATION NO. 2

That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other states, members, respectively, of the Council and Assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

Mr. BORAH. Mr. President, I desire to ask the Senator in charge of the resolution if he regards the reservation which I have pending as properly an amendment to this reservation? I regard it as a separate reservation and should prefer to offer it that way.

Mr. LENROOT. I have examined it. I do not think there is any conflict between the two.

The VICE PRESIDENT. The question is on agreeing to reservation No. 2.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CAMERON (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] and the Senator from Alabama [Mr. UNDERWOOD] are necessarily absent. If present, they would both vote "yea."

The result was announced—yeas 83, nays 8, as follows:

YEAS—83

Ashurst	Fess	Lenroot	Robinson, Ark.
Bayard	Fletcher	McKellar	Sackett
Bingham	George	McKinley	Schall
Bratton	Gerry	McLean	Sheppard
Brookhart	Gillett	McMaster	Shortridge
Broussard	Glass	McNary	Simmons
Bruce	Goff	Mayfield	Smith
Butler	Gooding	Means	Smoot
Cameron	Greene	Metcalf	Stanfield
Capper	Hale	Neely	Stephens
Caraway	Harrell	Norbeck	Swanson
Copeland	Harris	Norris	Trammell
Couzens	Harrison	Nye	Tyson
Cummins	Hefflin	Oddie	Wadsworth
Curtis	Howell	Overman	Walsh
Dale	Johnson	Pepper	Warren
Deneen	Jones, N. Mex.	Phillis	Watson
Edge	Jones, Wash.	Pine	Weller
Ernst	Kendrick	Pittman	Wheeler
Fernald	Keyes	Ransdell	Willis
Ferris	King	Reed, Pa.	

NAYS—8

Blease	Frazier	Shipstead
Borah	La Follette	Williams

NOT VOTING—5

Dill	Edwards	Robinson, Ind.	Underwood
du Pont			

So reservation No. 2 was agreed to.

The VICE PRESIDENT. The Secretary will read reservation No. 3.

The Chief Clerk read as follows:

RESERVATION NO. 3

That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

The VICE PRESIDENT. The question is on agreeing to reservation No. 3.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CAMERON (when his name was called). Repeating my previous announcement, I vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] and the Senator from Alabama [Mr. UNDERWOOD] are necessarily absent. If present, they would vote "yea."

The result was announced—yeas 89, nays 3, as follows:

YEAS—89

Ashurst	Fletcher	McLean	Schall
Bayard	George	McMaster	Sheppard
Bingham	Gerry	McNary	Shipstead
Borah	Gillett	Mayfield	Shortridge
Bratton	Glass	Means	Simmons
Brookhart	Goff	Metcalf	Smith
Broussard	Gooding	Moses	Smoot
Bruce	Greene	Neely	Stanfield
Butler	Hale	Norbeck	Stephens
Cameron	Harris	Norris	Swanson
Capper	Harrison	Nye	Trammell
Caraway	Hefflin	Oddie	Tyson
Copeland	Howell	Overman	Wadsworth
Couzens	Johnson	Pepper	Walsh
Cummins	Jones, N. Mex.	Phillis	Warren
Curtis	Jones, Wash.	Pine	Watson
Dale	Kendrick	Pittman	Weller
Deneen	Keyes	Ransdell	Wheeler
Edge	King	Reed, Mo.	Williams
Ernst	La Follette	Reed, Pa.	Willis
Fernald	Lenroot	Robinson, Ark.	
Ferris	McKellar	Robinson, Ind.	
Fess	McKinley	Sackett	

NAYS—3

Blease	Frazier	Harrell
Dill	du Pont	Edwards
		Underwood

So reservation No. 3 was agreed to.

The VICE PRESIDENT. The clerk will state the next reservation.

The CHIEF CLERK. Reservation No. 4—

Mr. FRAZIER. Mr. President, yesterday I proposed a reservation to take the place of the first four reservations offered in this resolution. They were based on the resolution as originally introduced by the Senator from Virginia [Mr. SWANSON]. I ask unanimous consent to change the word "seven" to "eight" in the first line on page 2 of my proposed substitute, and to change the word "seven" to "two" in the second line.

Mr. LENROOT. Will the Senator wait until we have disposed of reservation No. 4?

Mr. FRAZIER. But mine is offered as a substitute for reservation No. 4.

Mr. LENROOT. Very well.

The VICE PRESIDENT. The Clerk will state the proposed amendment of the Senator from North Dakota [Mr. FRAZIER]. The Chief Clerk read as follows:

That all in Senate Resolution No. 5, beginning with line 8, on page 2, down to and including line 2, on page 3, be stricken out and the following reservation be inserted in its stead.

Mr. FESS. Mr. President, a point of order. As I understand it, the proposal is to strike out three reservations which we have already adopted. We can not do that.

The VICE PRESIDENT. It could only come under a motion to reconsider.

Mr. LENROOT. I have just examined the substitute offered by the Senator from North Dakota. As a matter of fact, I think it is really only a substitute for the fourth reservation.

Mr. MOSES. I believe that is correct. I think the substance of the reservation offered by the Senator from North Dakota is exactly a substitute for the pending reservation No. 4.

Mr. FESS. It is not in order the way the Clerk read it.

Mr. MOSES. That is quite true. What the Senator from Ohio said is correct so far as the preamble presented by the Senator from North Dakota is concerned, but so far as the matter contained in the pending reservation No. 4 referring to the amendment of the statute, the reservation presented by the Senator from North Dakota is a complete substitute.

Mr. WALSH. I ask that the proposed reservation may be read.

The VICE PRESIDENT. The clerk will read as requested.

The CHIEF CLERK. The Senator from North Dakota [Mr. FRAZIER] moves that all in Senate Resolution 5, beginning with line 8 on page 2, down to and including line 2 on page 3, be stricken out and the following reservation be inserted in its stead:

That such signature and adherence of the United States to the protocol of the Permanent Court of International Justice is given with the distinct understanding that the United States reserves the right to withdraw its signature and adhesion thereto at any time that the Congress of the United States may determine so to do, and that in event of such withdrawal it shall in no way be considered an unfriendly act.

Mr. LENROOT. The Senator desires to offer that as a substitute for reservation No. 4?

Mr. FRAZIER. I ask unanimous consent to offer it as a substitute for reservation No. 4 of the resolution.

Mr. LENROOT. I have no objection to that course.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is on the substitute offered by the Senator from North Dakota for reservation No. 4 of the resolution.

Mr. LENROOT. Mr. President, just a word in reference to the substitute. Reservation No. 4 of the Swanson reservations does explicitly provide that the United States may withdraw at any time. That is the substance of the Senator's reservation. But reservation No. 4 also has a provision that the statute shall not be amended without the consent of the United States. I hope the substitute will be voted down and that the Swanson reservation No. 4 will be agreed to.

Mr. BORAH. May I ask if the substitute offered by the Senator from North Dakota has any provision with reference to amending the statute of the court without our consent?

Mr. LENROOT. No; it has not.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from North Dakota.

The substitute was rejected.

The VICE PRESIDENT. The question is on agreeing to reservation No. 4.

Mr. REED of Missouri. I ask for the yeas and nays. We ought to have a record vote.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CAMERON (when his name was called). Making the same announcement as before, I vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that the senior Senator from Alabama [Mr. UNDERWOOD] and the junior Senator from New Jersey [Mr. EDWARDS] are necessarily detained from the Senate. If present, each of those Senators would vote "yea" on this question.

The result was announced—yeas 91, nays 1, as follows:

YEAS—91

Ashurst	Bratton	Butler	Copeland
Bayard	Brookhart	Cameron	Couzens
Bingham	Broussard	Capper	Cummins
Borah	Bruce	Caraway	Curtis

Dale	Harrison	Moses	Shipstead
Denoon	Heflin	Neely	Shortridge
Edge	Howell	Norbeck	Simmons
Ernst	Johnson	Norris	Smith
Fernald	Jones, N. Mex.	Nye	Smoot
Ferris	Jones, Was.	Oddie	Stanfield
Fess	Kendrick	Overman	Stephens
Fletcher	Keyes	Pepper	Swanson
Frazier	King	Phipps	Trammell
George	La Follette	Pine	Tyson
Gerry	Lenroot	Pittman	Wadsworth
Gillett	McKellar	Ransdell	Walsh
Glass	McKinley	Reed, Mo.	Warren
Goff	McLean	Reed, Pa.	Watson
Gooding	McMaster	Robinson, Ark.	Weller
Greene	McNary	Robinson, Ind.	Wheeler
Hale	Mayfield	Sackett	Williams
Harrelld	Means	Schall	Willis
Harris	Metcalf	Sheppard	

NAYS—1

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NOT VOTING—4

Dill du Pont Edwards Underwood

So reservation No. 4 was agreed to.

The VICE PRESIDENT. The Clerk will state the next reservation.

The CHIEF CLERK. Reservation No. 5:

That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned; nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

Mr. REED of Missouri. Mr. President, just an inquiry. I think that the clerk perhaps omitted a word in his reading. I would like to have him kindly read the first sentence again. The Chief Clerk read as follows:

That the court shall not render any advisory opinion except publicly after due notice to all states adhering to the court and to all interested states and after public hearing or opportunity for hearing given to any state concerned.

Mr. REED of Missouri. As first read I thought the article "the" was used, but it is not.

Mr. BORAH. Mr. President, I desire to ask Senators in charge of the resolution if they are satisfied that the word "render" is the proper word to express what I take it they desire to express. They say that "the court shall not render any advisory opinion." Ordinarily when we speak of rendering an opinion we speak of the mere fact of making public an opinion after the question has been entertained and jurisdiction accepted and the case argued. If that is the meaning of the word, it is incongruous with the rest of the sentence that "the court shall not render any advisory opinion except publicly after due notice to all the states adhering to the court." What was evidently intended was that there should be no consideration of an advisory proposition until the different states had notice. It ought to be "entertain and render," it seems to me. I make that suggestion.

Mr. ROBINSON of Arkansas. The Senator would not say "entertain an advisory opinion?" He would say, rather, "entertain a request for an advisory opinion or render an advisory opinion."

Mr. BORAH. But the words, as they are ordinarily considered with reference to judicial action, relate simply to the rendition of the opinion after argument and consideration.

Mr. LENROOT. But the words are "rendered after due notice."

Mr. BORAH. Yes; the court could not render it until after due notice, but the notice would not be of much value if the matter had been considered and decided and notice then given as to rendering the opinion.

Mr. LENROOT. After public hearing.

Mr. BORAH. But we are not interested in the mere question of publicity as to the rendering of the opinion; we are interested in publicity as to the hearing.

Mr. SWANSON. The language reads:

That the court shall not render any advisory opinion except publicly—

The rendering of an opinion is generally done publicly, although frequently, of course, judges consult among themselves in regard to an opinion—after due notice.

It seems to me that language does not permit of the construction suggested by the Senator from Idaho.

Mr. CARAWAY. May I interrupt the Senator?

Mr. SWANSON. Yes.

Mr. CARAWAY. The reservation provides:

That the court shall not render any advisory opinion except publicly—

The word "render" there means shall not consider, shall not entertain, shall not arrive at any decision, and shall not hand down any opinion until after due notice, and that the opinion then shall be handed down publicly.

Mr. SWANSON. It seems to me the language covers the matter entirely; it seems to me to be amply sufficient.

Mr. BORAH. What is intended by the language, as I take it, is that the entire proceedings with reference to an advisory opinion shall be public. If that is the construction, and the court will accept of it, of course it is entirely satisfactory. But I think the language in the reservation should be clarified.

Mr. WALSH. I apprehend that as to the substance of this reservation there will be no substantial objection, and I understand the remarks of the Senator from Idaho are directed merely to language in which it is expressed. I am inclined to think that the criticism urged by the Senator from Idaho has merit in it. I, therefore, suggest to the Senator from Virginia that the matter go over with a view to conference for the purpose of perfecting the reservation.

Mr. SWANSON. What language would the Senator from Idaho suggest?

Mr. BORAH. To expedite the matter, we could pass upon it here, and then take it up later in the Senate.

Mr. SWANSON. What language would the Senator suggest?

Mr. BORAH. I will suggest language to the Senator as soon as I have a little time to do so.

Mr. SWANSON. Suppose we adopt it as in Committee of the Whole and then let it come up later in the Senate?

Mr. BORAH. Very well; that is understood.

Mr. SWANSON. I propose that we adopt it now and then we can consider it again in the Senate.

Mr. ROBINSON of Arkansas. I merely wish to say that it appears to me that the word "render" is a very appropriate word to express the intention. The word "render" means make, give, or express.

The VICE PRESIDENT. The question is on agreeing to reservation No. 5.

Mr. REED of Missouri. I ask for the yeas and nays.

Mr. ASHURST. Has the reservation been read?

The VICE PRESIDENT. It has not all been read.

Mr. SWANSON. We do not, I think, want a separate vote on the paragraph in reservation No. 5 from lines 11 to 16. That had just as well be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

The signature of the United States to the said protocol shall not be affixed until the powers signatory—

Mr. BORAH. Is the Secretary reading reservation No. 5?

The VICE PRESIDENT. He is reading from line 11 to line 16.

Mr. BORAH. It has been agreed that reservation No. 5 shall be passed upon and then that it shall be taken up later in the Senate.

Mr. WALSH. Let me suggest that reservation No. 5 consists of two separate paragraphs, dealing really with two subjects. I suggest that it be divided and that the vote be taken upon the first paragraph.

Mr. SWANSON. There are two separate paragraphs.

Mr. BORAH. I think we had better take the reservation up altogether.

Mr. WALSH. I have no objection to that being done.

Mr. MOSES. What will be the effect if we now adopt lines 11 to 16, inclusive, on page 3, when there are still further reservations to be offered?

Mr. LENROOT. I think after article 5 shall have been read we should then go on to other reservations.

Mr. MOSES. Does the Senator mean both paragraphs of reservation 5, or are we to assume that lines 11 to 16 constitute another matter?

Mr. LENROOT. They are two different propositions.

Mr. MOSES. I thought the Senator from Virginia was contending that they were coupled together.

Mr. SWANSON. There are two separate propositions contained in reservation No. 5, and any Senator may ask for a separate vote on them; but there is no request for a separate vote of which I am aware.

Mr. MOSES. I quite misunderstood the tenor of the suggestion made by the Senator from Virginia.

Mr. WALSH. I wish to call attention to the fact that really reservation 5 ends with line 22.

Mr. LENROOT. Certainly.

Mr. WALSH. What follows thereafter—the second paragraph—is not in the nature of a reservation at all. It deals with an entirely different subject.

Mr. MOSES. That is exactly what I was trying to point out, and that there might be out of the wealth of further reservations one that would be agreed to.

Mr. WALSH. As a matter of fact, nothing after line 22 comprises a portion of reservation 5 at all.

Mr. MOSES. Then, Mr. President, if there is any question about that, I should like to make a further parliamentary inquiry—whether it is in order for me to ask unanimous consent that, after having dealt with lines 3 to 10, inclusive, on page 3, paragraph 5, we shall then proceed to offer additional reservations? If there is no question about it, and in my mind there is not—

Mr. LENROOT. I do not think there can be any objection to the course suggested by the Senator.

Mr. MOSES. The Senator from Wisconsin agrees with me that there is no objection to that procedure, and that that will naturally take place; therefore, I will not press my parliamentary inquiry.

SEVERAL SENATORS. Vote!

Mr. LENROOT. I merely wish to say one word with reference to reservation No. 5. Yesterday considerable objection was made, and statements were made, that an entirely new proposition has been put before the Senate in the modification of reservation No. 5. So far as the four reservations which have been adopted are concerned, they did not in the least change the situation from that which heretofore existed in the opinion of most of the Senators.

So far as the fifth reservation is concerned, there is no conflict whatever between that and the original reservation No. 5. It does but two things: It makes permanent the rules of the court that all advisory opinions shall be public and shall be made after public hearing; and, second, that no advisory opinion shall be rendered affecting the interests of the United States or interests claimed by the United States to be affected without the consent of the United States.

I wish merely to say this with reference to the argument which has been made by the Senator from Indiana [Mr. ROBINSON] this afternoon, that neither the Monroe doctrine nor any other question can come before the court without the consent of the United States where any right or interest of the United States is affected.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the first paragraph of reservation No. 5, from lines 3 to 10, inclusive.

Mr. REED of Missouri. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CAMERON (when his name was called). Making the same announcement as before with reference to the transfer of my pair, I vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that the senior Senator from Alabama [Mr. UNDERWOOD] and the junior Senator from New Jersey [Mr. EDWARDS] are necessarily detained from the Senate. If present, each of those Senators would vote "yea" on this question.

The result was announced—yeas 91, nays 1, as follows:

YEAS—91

Ashurst	Fletcher	McKellar	Robinson, Ind.
Bayard	Fraxier	McKinley	Sackett
Bingham	George	McLean	Schall
Borah	Gerry	McMaster	Sheppard
Bratton	Gillett	McNary	Shipstead
Brookhart	Glass	Mayfield	Shortridge
Broussard	Goff	Means	Simmons
Bruce	Gooding	Metcalf	Smith
Butler	Greene	Moses	Smoot
Cameron	Hale	Neely	Stanfield
Capper	Harrell	Norbeck	Stephens
Caraway	Harris	Norris	Swanson
Copeland	Harrison	Nye	Trammell
Couzens	Heflin	Oddie	Tyson
Cummins	Howell	Overman	Wadsworth
Curtis	Johnson	Pepper	Walsh
Dale	Jones, N. Mex.	Phlipps	Warren
Deneen	Jones, Wash.	Pine	Watson
Edge	Kendrick	Pittman	Weller
Ernst	Keyes	Ransdell	Wheeler
Fernald	King	Reed, Mo.	Williams
Ferris	La Follette	Reed, Pa.	Willis
Fess	Lenroot	Robinson, Ark.	

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NOT VOTING—4

Dill du Pont Edwards Underwood

So the first paragraph of reservation No. 5, from lines 3 to 10, was agreed to.

Mr. MOSES. Mr. President, it is my understanding that the Senator from Virginia wishes to go forward with the two declarations which are contained in this resolution, beginning on line 17 of page 3, and continuing through line 7 on page 4.

Mr. SWANSON. I think we had better carry out the agreement made, that this resolution shall be completed and perfected, and then you can go back.

Mr. MOSES. I want it distinctly understood that I may then go back to propose an additional reservation to be inserted after line 10, on page 3.

Mr. SWANSON. I have no objection; but I think we ought to carry out the agreement that these reservations were to be completed and perfected before anything else was taken up.

Mr. MOSES. That was not my understanding of the agreement, Mr. President. My understanding of the agreement was that after the reservations proposed by the Senator from Virginia had been perfected, the Senator from Missouri and I would be at liberty to offer our substitutes.

Mr. SWANSON. After they are completed; that is true; that is understood.

Mr. MOSES. Yes; but meantime we wish to offer amendments which are properly before the Senate as in Committee of the Whole.

Mr. LENROOT. I suggest that the Senator from Virginia go ahead and then return to this point.

Mr. MOSES. I am not fussy about it. It being agreed that I may return to that point, I am quite agreeable to it.

The VICE PRESIDENT. The Secretary will continue the reading.

The Chief Clerk read as follows:

The signature of the United States to the said protocol shall not be affixed until the powers signatory to such protocol shall have indicated, through an exchange of notes, their acceptance of the foregoing reservations and understandings as a part and a condition of adherence by the United States to the said protocol.

Mr. WILLIAMS. Mr. President, I desire to make an inquiry of the Senator from Wisconsin or the Senator from Virginia. What follows from line 11 on is no part of the reservation, is it?

Mr. SWANSON. It is no part of the reservation. It is a stipulation that the signature shall not be affixed until these reservations are consented to. I should consider it a part of the conditions upon which the ratification is made.

The VICE PRESIDENT. The question is on agreeing to that paragraph of Reservation No. 5, which has just been read.

Mr. WALSH. Mr. President, I feel impelled to say, with respect to this particular provision, that the press at least has spoken of this as something in the nature of an obstacle in the way, and those who tender it have been subjected to some criticism for that reason. I supposed, however, that everybody realized from the beginning that it was necessary to get the assent of the other nations signatory to this treaty to any reservations or conditions that we might attach to our adherence. This merely expresses the manner by which that assent is to be indicated. It does not add in any respect to the difficulties of the task of the court.

The VICE PRESIDENT. The question is upon agreeing to the second branch of reservation 5, lines 11 to 16. [Putting the question.] The ayes have it, and the branch is agreed to.

The Secretary will continue the reading of the resolution. The Chief Clerk read as follows:

Resolved further, As a part of this act of ratification that the United States approve the protocol and statute hereinabove mentioned, with the understanding that recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute; and—

Mr. SHIPSTEAD. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator from Minnesota.

Mr. SHIPSTEAD. This provision apparently is not covered by that part of reservation 5 from lines 11 to 16.

Mr. SWANSON. Mr. President, that is true; but this is a domestic matter, as to how we shall refer cases to the court. We do not want to have other nations intruding themselves into our domestic affairs, to say by what process we ourselves shall determine the reference of matters to the Permanent Court of International Justice. It is entirely a domestic matter.

Mr. MOSES. "In other words, may I say to the Senator, this is a declaration of our own policy, and it makes no difference to us whether the rest of the world agrees to it or not; we are going to stand by it."

Mr. SWANSON. We do not want them to assent to it. I would not let any foreign nation determine what we shall do in a domestic way in regard to our own affairs, whether the President or the Senate shall do it or Congress shall do it. It is a matter for us to determine, not requiring the assent of other nations.

Mr. SHIPSTEAD. The Senator does not think it is necessary to have their consent or permission to the limitation of the jurisdiction of the court?

Mr. SWANSON. We do not want it. Our Constitution provides how matters shall go to foreign tribunals or foreign courts. We do not want to get the assent of foreign nations to what we shall do under our own Constitution.

Mr. WALSH. Mr. President, in the same way the reservations have been criticized because of this particular reservation, and it is urged that this emasculates the resolution, because the Senate will be required to give its consent and there will be trouble about getting the consent of the Government. As I stated on yesterday, Mr. President, this does not change the situation in any respect. The Government of the United States is entitled now, if it sees fit to do so, to submit a controversy to the court. It can submit a controversy to the court now, and it can submit a controversy to the court after we sign the protocol, if we do, only by virtue of an agreement which we enter into with the other party to the controversy; and that agreement is a treaty. We can not get before the court except by virtue of a treaty with the other party litigant. The protocol does not change that situation in any particular at all. We merely say that it must be accomplished by a treaty, which requires the joint action of the President and the Senate. This is nothing more nor less than a declaration of what the law is, what our Constitution provides.

A great many people are dissatisfied with that. They say, "You will never get a controversy before the court." That may be so; but, unfortunately, the fault is found with the Constitution of the United States and not with this resolution.

Mr. BORAH. Which is not a fault at all.

Mr. WALSH. It is not a fault, certainly, if there is any controversy about it; but the point I am making is that this does not add anything at all to the situation or change it in any particular whatever.

Mr. PEPPER. Mr. President, may I inquire of the Senator from Montana whether this language does not bear a close relationship to the language in The Hague convention dealing with this same question?

Mr. WALSH. It does.

Mr. PEPPER. I understand that that language, adapted merely to the necessities of this case, is the precise provision contained in The Hague convention of 1907.

The VICE PRESIDENT. The Senator from Minnesota has the floor. Does he yield; and if so, to whom?

Mr. SHIPSTEAD. I yield the floor.

Mr. REED of Missouri. Mr. President—

Mr. MOSES. Mr. President, will the Senator permit me to express my thanks to the Senator from Virginia before the vote is taken on this paragraph? I want to thank the Senator from Virginia for the words he used in the recent colloquy, namely, "foreign court" and "foreign tribunal."

Mr. REED of Missouri. Mr. President, I should like to ask the Senator from Montana for his construction of this language:

Recourse to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute.

If such a treaty now exists, would not disputes under it come before the court?

Mr. WALSH. Yes; if such a treaty does exist; but I am very sure there is no such treaty. Attention was called to the fact that there is a treaty pending before us—the treaty dealing with traffic in arms and ammunition, according to my recollection—which provides that in case the United States should be a subscriber to the protocol, and any controversy should arise over the construction of that treaty, it should be referred to the court. When that treaty comes before us, we will consider the question as to whether or not we care to submit our controversies to this court. It takes no jurisdiction until we, by treaty, give it jurisdiction.

Mr. SWANSON. Mr. President, there is no treaty whatever to which we are a party, unless it is under some of these mandates that we have accepted, possibly, which would refer

anything to the Permanent Court of International Justice. When The Hague convention was ratified it used this precise language, "special or general treaties." To make that convention operative Secretary Root entered into 22 treaties, I think, with other nations, Great Britain and others, providing that certain cases should go to them under certain conditions, or that there should be a special treaty for a specific case. This language contemplates that the Senate would have to ratify a general treaty with other nations, or a special treaty for each case when submitted to the court.

Mr. ROBINSON of Arkansas. Mr. President, if this reservation were not incorporated in the resolution, the process would be the same. Before a cause could be submitted to the Permanent Court of International Justice it would be necessary that the United States agree to the submission through either a special or a general treaty.

Mr. SWANSON. That is true. Mr. Wickersham, who appeared before the committee when they were having hearings on the World Court, stated distinctly that if we adopted this protocol recourse could be had to the court only by special or general treaty.

The VICE PRESIDENT. The question is upon agreeing to the third branch of reservation 5, lines 17 to 24, inclusive. [Putting the question.] The ayes have it, and the third branch of the reservation is agreed to. The Secretary will continue the reading.

The Chief Clerk read as follows:

Resolved further, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

Mr. REED of Missouri. Mr. President, I offer an amendment to this clause, which I have filed and which is properly printed. It is as follows:

Resolved further, That the Monroe doctrine be declared as a principle of international law binding upon the court.

That is to be added at the end of the last clause.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The CHIEF CLERK. After line 7, on page 4, insert the following:

Resolved further, That the Monroe doctrine be declared as a principle of international law binding upon the court.

Mr. REED of Missouri. Mr. President, I want just one minute on my proposed amendment, and then I will be ready to vote. The language employed in the text is to the effect that the entrance of the United States into this treaty shall not be considered as a relinquishment by the United States of its traditional attitude toward purely American questions.

The Monroe doctrine has never been recognized as a principle of international law by any authoritative body. It has been asserted as a national policy. If we are going into this international agreement, this is the time and place to assert the Monroe doctrine, not to assert that we do not relinquish our rights under it, but to assert it as a doctrine and ask the other nations to admit it as a doctrine. So I move the amendment, and upon it I ask for the yeas and nays.

Mr. SWANSON. Mr. President, the term used here is the language that has been used, I suppose, for over half a century to define American policy in connection with the Monroe doctrine, a political policy. It was used in the resolution of ratification of The Hague convention, and I think the same language was used in the resolution of ratification of the Algeiras treaty. This is the language which we have used for half a century to indicate that we do not surrender our rights under the Monroe doctrine. The Monroe doctrine is not international law; it is a political policy of the United States to assert our idea of justice and right. It is not international law.

Mr. CARAWAY. The very moment you declare it to be a question of international law you give the international court the right to pass on it, do you not?

Mr. SWANSON. It is a policy which has been maintained by the United States as one of our political policies, and we are not willing to have it incorporated in the body of international law. The language found in this reservation has been used every time America has desired to preserve its traditional policy in connection with American matters.

Mr. LENROOT. As just suggested by the Senator from Arkansas, the Monroe doctrine is not a matter of international law. It is wholly an American policy; and if the amendment

of the Senator from Missouri should prevail, it would become a matter of international law, so far as the court was concerned, and would give jurisdiction to the court to pass upon the Monroe doctrine, which, without this amendment, it can never pass upon without the consent of the United States. I hope the amendment will be defeated.

Mr. REED of Missouri. Mr. President, that is arguing strangely in a circle. Let me first answer the proposition that we have not heretofore in our treaties demanded the recognition of the Monroe doctrine. We have not, because in those treaties we were dealing as a nation, and recognizing no international tribunal, submitting nothing to an international tribunal, but constantly asserting our doctrine, a doctrine which rests to-day only upon its justice and upon the force and power of the United States.

Mr. SWANSON. If the Senator will permit me, our participation in The Hague Arbitration Court was consummated by a convention similar to this, and this was the language that was used in that case.

Mr. REED of Missouri. We had a convention regarding The Hague, a purely voluntary tribunal of arbitration. Now we are asked to take a further step, to agree to submit our controversies to a court. That court will undertake to pass upon all questions of international law. If the Monroe doctrine is not a matter of international law, it will pass upon the question without regard to the Monroe doctrine.

Mr. SHORTRIDGE and Mr. LENROOT rose.

Mr. REED of Missouri. Wait just a moment. If we say the Monroe doctrine shall be recognized as a principle of international law, we do not thereby relinquish our right to assert the doctrine with our own construction. If Senators desire to vote the amendment down, let them do so, but let us understand perfectly that they are to-day, as this question now stands, simply standing upon the doctrine that the United States does not submit the Monroe doctrine, and therefore it must defend it itself; that we are going into a court which assumes jurisdiction under international law, and Senators refuse to incorporate this principle in international law.

Mr. SHORTRIDGE. Mr. President, I rose merely to make an inquiry of the Senator from Missouri. I invite his attention and that of the Senate to what would happen if the suggested amendment of the Senator should be adopted. Of course, we all remember that it was in 1823 that the Monroe doctrine was proclaimed by the United States of America. Up to this time we have asserted the right to interpret that doctrine. I submit to the learning of the Senator from Missouri, if his amendment is adopted we have really given to the court in question the right to interpret that doctrine, a thing which I shall never consent to, a thing which President Cleveland never consented to, and which the great President Roosevelt did not consent to. I have in mind—and I am very sure the learning of the Senator from Missouri recalls it—the resolution introduced and adopted by the Senate, presented by the late great and lamented Senator from Massachusetts, Senator Lodge, in which resolution he undertook, and the Senate agreed with him, to expand, so to speak, and properly, that doctrine as from the time it was first announced, so as to make it apply to the Pacific coast. Originally, of course, it applied immediately to European countries as of 1823. Neither John Quincy Adams nor James Monroe had any fear of oriental countries, but the Lodge resolution, adopted by the Senate, in a sense expanded the doctrine to embrace the Pacific coast, the great Pacific Ocean, and the lands that lie beyond, immediately addressing itself to Magdalena Bay, and the then fear, whether well grounded or not, that a certain oriental nation sought a naval base at Magdalena Bay in Lower California.

Therefore, I merely invite the Senator's logical mind to the proposition that we must not here, by any affirmative action, give any force to any claim that this court will have any jurisdiction to interpret or pass upon the Monroe doctrine, which was, and is, and I hope ever will be, an essentially American doctrine.

Mr. REED of Missouri. Mr. President, let me answer the Senator by saying that in my judgment his reasoning is all wrong, and that when we make other nations admit the Monroe doctrine, we do not yield our right to construe and defend it.

Mr. BORAH. Mr. President, I want to ask the Senator from California a question. According to the press dispatches, there is contemplated an arrangement between Mexico and Japan by which Japan is to have the privilege of colonizing certain parts of Mexico. Suppose that should be objected to by the United States under the Monroe doctrine, or, rather, the principle of self-defense, which is another name for the Monroe doctrine. Will there be any way, after this resolution

shall have been adopted and we have gone into the court under this resolution, by which Mexico and Japan, they being members of the League of Nations and also members of the court, could have an advisory opinion upon that question?

Mr. SHORTRIDGE. I answer, that any advisory opinion which they might give would be contrary to certain reservations which we have already adopted, for such a proposed arrangement between Japan and Mexico, I say, would affect us or interest us, and under a reservation we have adopted we would have a right, in a sense, to intervene. But whether or not the court had a right to entertain the question as to whether the Monroe doctrine was affected by this reservation we do not waive our rights; on the contrary, we declare that the court shall not "entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest. With this resolution, with all or any of these reservations, we do not waive a right which I claim, namely, a right to interpret and in a proper case assert this doctrine, as we understand it. Whether in a given case, upon the true philosophy of the Monroe doctrine, we would have a right to complain, I am not now forced to consider, for it would depend, manifestly, upon the facts then existing or feared. I allude to the Lodge resolution because there was a proposition to establish a naval base at Magdalena Bay, and the Senate considered, as of then, that that would be inimical to the rights of the United States.

Mr. SWANSON. Mr. President, will the Senator yield for a question?

Mr. SHORTRIDGE. Yes.

Mr. SWANSON. There is a provision in this reservation that would absolutely prohibit any advisory opinion.

Mr. SHORTRIDGE. I think so.

Mr. SWANSON. There is a provision that where the United States has an interest or right, or claims a right or interest, no advisory opinion can be rendered without its consent. All the United States would have to do, with the reservation adopted, would be to notify the court that they claimed an interest and objected to an advisory opinion.

Mr. CARAWAY. Mr. President, I was about to suggest to the Senator from California that if we should stay out of the court, and therefore these reservations not become effective, if Mexico and Japan saw fit to submit the question referred to by the Senator, we would be in no position to defend ourselves. If we should follow the advice of the Senator from Idaho and stay out of the court, then the court could entertain any question, whether it affected our rights or whether we assented or did not assent. But if we go into the court with this reservation, we protect ourselves against the very thing the Senator from Idaho now seems to fear.

Mr. BORAH. Will not the Senator from Arkansas be a little more generous with the Senator from Idaho and admit that if we had gone in under the original resolution, which went no further than to say we would not be bound by it, instead of this resolution, which says that the opinion shall not be entertained, we would have been in a position where they could have entertained it, and we would have been powerless?

Mr. CARAWAY. Will not the Senator from Idaho be so generous as to say now that if he shall prevail, and we do not go into the court at all, we will be in no position to prevent the court from handing down an opinion, either advisory or otherwise?

Mr. BORAH. No; there is another way by which we protect ourselves if we do not go into the court. We are in no way bound to consider the action of a foreign court of which we are not a member.

Mr. CARAWAY. Yes; with a gun.

Mr. REED of Missouri. That is what we will have to do.

Mr. BORAH. That is likely what will happen if the court assumes to advise on matters of a certain kind.

Mr. CARAWAY. Then we shall be in no worse fix than we are in now.

Mr. BORAH. Yes; we will have been sitting upon the tribunal which had passed upon the matter and of which we are a member.

Mr. CARAWAY. No; the tribunal can not pass upon it if we go into it with this reservation, unless we assent to it. But if we follow the Senator's advice, the court can pass upon it and we will not be in a position to object, because we will have refused to participate.

Mr. BORAH. Then, as I understand the Senator, we are going into the court for the purpose of protecting ourselves against the court.

Mr. CARAWAY. We are going into the court in order to protect ourselves against people who want to have war in

order to protect other people. According to the Senator's position, he wants to stay out so we can not protect ourselves at all.

Mr. SHORTRIDGE. I invite the attention of the Senator from Idaho to the express language of reservation 5:

Nor shall it, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest.

Mr. REED of Missouri. Mr. President, before the Senator from California takes his seat, will he permit me to get his idea in regard to the matter of advisory opinions? The reservation undertakes to protect the United States against advisory opinions. Suppose that Haiti, being a member of the league, and England, being a member of the league, should enter into a treaty whereby Haiti was to grant to England rights in the bays or in the ports of Haiti. Suppose a dispute should arise between them with reference to the rights of either country under that treaty and they should appeal to the court. Would that be an advisory opinion or would that be an actual case before the court?

Mr. SHORTRIDGE. That is not a case in point, and I do not feel called upon to clarify the situation and make answer to the question.

Mr. REED of Missouri. I think it is exactly in point; because if the case I put is not covered as an advisory matter, but is an actual case, then we are not protected against the decisions in actual cases.

Mr. SHORTRIDGE. If we claim an interest in such a case, we would have the right to assert it, and by these reservations the court is precluded from entertaining that case or rendering that advisory opinion.

Mr. REED of Missouri. Would it be advisory? That is the question I am asking the Senator.

Mr. SHORTRIDGE. I rose merely to make an inquiry originally of the Senator from Missouri in regard to his proposed amendment as it might affect the Monroe doctrine. I have my own views in regard to that doctrine, and I happen to know something of its origin and its application. I assert for myself that whether we adhere to the court or not, with or without any reservations, there is no court on this earth set up and there is no nation on the earth that has or will have a right to determine what the Monroe doctrine is. We shall determine what that doctrine is; and if we be not incompetent, decadent, pusillanimous, and unworthy sons of brave men and women, we will do as Cleveland did and as Roosevelt did and say to England or to Germany, "You shall not violate this doctrine as we have interpreted it."

Mr. STEPHENS. I would like to ask the Senator from Wisconsin [Mr. LENROOT] with reference to his intention to reach a final vote to-night.

Mr. LENROOT. I expect to ask the Senate to go into secret executive session when we conclude with the so-called Swanson reservations. We will not go any further to-night, but we hope to conclude to-morrow and will conclude to-morrow.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. REED of Missouri. I ask for the yeas and nays. The yeas and nays were ordered and taken.

Mr. GERRY. I desire to announce that the senior Senator from Alabama [Mr. UNDERWOOD] and the junior Senator from New Jersey [Mr. EDWARDS] are necessarily detained from the Senate. If present, each of these Senators would vote "nay" on this question.

The result was announced—yeas 6, nays 82, as follows:

YEAS—6

Blease Copeland	Harreld Johnson	Moses	Reed, Mo.
Ashurst	Fletcher	McKellar	Schall
Bayard	Frazier	McLean	Sheppard
Bingham	George	McMaster	Shipstead
Borah	Gerry	McNary	Shortridge
Bratton	Gillett	Mayfield	Simmons
Brookhart	Glass	Means	Smith
Broussard	Goff	Metcalf	Smoot
Bruce	Gooding	Neely	Stanfield
Butler	Greene	Norris	Stephens
Cameron	Hale	Nye	Swanson
Capper	Harris	Oddie	Trammell
Caraway	Harrison	Overman	Tyson
Couzens	Heflin	Pepper	Wadsworth
Curtis	Howell	Phelps	Walsh
Dale	Jones, N. Mex.	Pine	Warren
Deneen	Jones, Wash.	Pittman	Watson
Edge	Kendrick	Ransdell	Weller
Ernst	Keyes	Reed, Pa.	Wheeler
Fernald	King	Robinson, Ark.	Willis
Ferris	La Follette	Robinson, Ind.	
Fess	Lenroot	Sackett	

NAYS—82

NOT VOTING—8

Cummins Dill	du Pont Edwards	McKinley Norbeck	Underwood Williams
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So the amendment offered by Mr. REED of Missouri was rejected.

The VICE PRESIDENT. The question is on agreeing to the fourth branch of reservation No. 5, being lines 25 and 26 on page 3 and lines 1 to 7 on page 4, which the Clerk will read.

The Chief Clerk read as follows:

Resolved further, That adherence to the said protocol and statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said protocol and statute be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

The fourth branch of reservation No. 5 was agreed to.

Mr. MOSES. Mr. President, I wish now to offer an amendment, on page 3, after line 10, which I will ask to have read. I will add that I shall not press for discussion or vote upon it this evening, but I wish to have the question pending when the Senate reassembles to-morrow after the recess.

The VICE PRESIDENT. The Clerk will state the reservation offered by the Senator from New Hampshire.

The CHIEF CLERK. On page 3, after line 10, insert the following:

6. That the adherence of the United States to the statute of the World Court is conditioned upon the understanding and agreement that the judgments, decrees, and/or advisory opinions of the court shall not be enforced by war under any name or in any form whatever.

EXECUTIVE SESSION, WITH CLOSED DOORS

Mr. LENROOT. I move that the Senate proceed to the consideration of executive business, with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of secret executive business. After five minutes the doors were reopened.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. COPELAND presented the following telegrams relative to the participation of the United States in the World Court, which were ordered to lie on the table and to be printed in the RECORD, as follows:

[Western Union telegram]

ITHACA, N. Y., January 23, 1926.

Senator COPELAND,

Capitol Building, Washington, D. C.:

Telegram sent you by Ralph Smith does not represent all of Ithaca. Town and city divided on question. Believe majority of Tompkins County overwhelmingly against us entering World Court. Other telegrams following.

Rev. L. E. GOULD,

L. E. CHASE, Supervisor Town of Ithaca.

[Western Union telegram]

ITHACA, N. Y., January 23, 1926.

Senator ROYAL S. COPELAND,

Washington, D. C.:

Cornell students and faculty voted overwhelmingly in favor of entering World Court. Only 4 votes against entering out of approximately 1,000 cast. Telegram from M. E. Snyder and committee was from local Republican club of Ithaca, not from Cornell students or faculty.

RALPH SEWARD,

Chairman Students' World Court Committee, Cornell University.

Mr. EDGE presented a resolution adopted by the Woman's Christian Temperance Union of Essex County, N. J., protesting against the alleged attitude of the senior Senator from New Jersey, Mr. EDGE, relative to the enforcement of the eighteenth amendment to the Constitution and the so-called Volstead Act, which was referred to the Committee on the Judiciary.

Mr. FERRIS presented memorials of sundry citizens of Antrim, Bay, Wayne, Shiawassee, Jackson, Lenawee, Dickinson, Kent, and Oakland Counties and of Detroit, Kalamazoo, Bay City, Oakland, Hartford, Munising, Grayling, Royal Oak, Hart, Niles, Muskegon, Saginaw, Owosso, and Antwerp Townships, all in the State of Michigan, remonstrating against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

Mr. BINGHAM presented a petition of faculty members of the department of geological sciences of Yale University, praying the amendment of the existing copyright law by inserting the words "or mimeographic process" after the words "or photo-engraving process," in lines 9, 15, 34, and 41 of said section 15, which was referred to the Committee on Patents.

He also presented memorials and papers in the nature of memorials from 180 citizens of Windham County; sundry citizens of Burnside, Stonington, Norwich, Mystic, Bridgeport, Stratford, New London, Niantic, East Lyme, Ansonia, Derby, Shelton, Southbury, Seymour, Huntington, and South Britain, all in the State of Connecticut, remonstrating against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

Mr. WARREN presented a memorial of sundry citizens of Pine Bluffs, Wyo., remonstrating against the participation of the United States in the Permanent Court of International Justice, which was ordered to lie on the table.

He also presented a resolution adopted by members of the Wyoming Game and Fish Commission, remonstrating against any extension of the boundaries of the Yellowstone National Park, which was referred to the Committee on Public Lands and Surveys.

He also presented a memorial of the Sheridan Commercial Club, of Sheridan, Wyo., remonstrating against amendment of the existing immigration act so as to prohibit the immigration of Mexicans into the United States, which was referred to the Committee on Immigration.

Mr. McLEAN presented the petition of Charles L. Burdette Camp, No. 4, United Spanish War Veterans, of Hartford, Conn., praying for the passage of legislation granting increased pensions to Spanish-American War Veterans, which was referred to the Committee on Pensions.

He also presented the petition of members of the Department of Connecticut Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, of Waterbury, Conn., favoring the passage of legislation granting increased pensions to Civil War Veterans and their widows, which was referred to the Committee on Pensions.

He also presented a letter in the nature of a petition from the Conservation Committee, Connecticut Federation of Women's Clubs, at New Haven, Conn., favoring the passage of the so-called McNary-Woodruff bill, providing for the preservation and extension of the national forests, which was referred to the Committee on Agriculture and Forestry.

He also presented papers and telegrams in the nature of petitions from the Women's Republican Club, of Hartford; the Theological Seminary, of Hartford; the Seminary Foundation, of Hartford; the World Court Committee, of Hartford; Connecticut League of Women Voters, of New Haven; the League of Women Voters and the Woman's Christian Temperance Union, of Meriden; the League of Women Voters, of Wallingford; the Chamber of Commerce, of Branford; the League of Women Voters, of West Hartford, and members of the Monday Club, of New Milford, all in the State of Connecticut, favoring the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

He also presented resolutions adopted by the Father McKeown Branch, Ancient Order of Hibernians, of New Haven; Division No. 5, Ladies' Auxiliary, Ancient Order of Hibernians, of Waterbury, and Division No. 1, Ladies' Auxiliary, Ancient Order of Hibernians, of Naugatuck, all in the State of Connecticut, protesting against the participation of the United States in the Permanent Court of International Justice, which were ordered to lie on the table.

REPORT OF THE COMMERCE COMMITTEE

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (S. 1305) granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River, reported it without amendment and submitted a report (No. 94) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORBECK:

A bill (S. 2773) granting a pension to Teresa K. Shriner;

A bill (S. 2780) granting an increase of pension to Annie I. Summers (with accompanying papers);

A bill (S. 2781) granting an increase of pension to Augusta M. Post (with accompanying papers); and

A bill (S. 2782) granting an increase of pension to Jennie St. Clair (with accompanying papers); to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 2783) granting a pension to Susan E. Hart; to the Committee on Pensions.

A bill (S. 2784) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.; and

A bill (S. 2785) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harri-sonburg, La.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 2786) for the relief of Donald W. Stewart (with accompanying papers); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 2787) granting a pension to Mary M. Carroll (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2788) for the relief of Joseph Jameson (with accompanying papers); to the Committee on Claims.

A bill (S. 2789) granting an increase of pension to William Frederick Gross (with accompanying papers); and

A bill (S. 2790) granting a pension to Emma King (with accompanying papers); to the Committee on Pensions.

By Mr. McKINLEY (by request):

A bill (S. 2791) authorizing the appointment as second lieutenant in the United States Marine Corps of Wilson B. McCandless; to the Committee on Naval Affairs.

By Mr. ERNST:

A bill (S. 2792) relating to sales and contracts to sell in interstate and foreign commerce; to the Committee on the Judiciary.

A bill (S. 2793) granting a pension to Lucy Swoope (with accompanying papers);

A bill (S. 2794) granting a pension to Ellen Dixon (with accompanying papers); and

A bill (S. 2795) granting an increase of pension to Anna M. Outten (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2796) to authorize the building of a bridge and approaches thereto across the Potomac River between Montgomery County, in the State of Maryland, and Fairfax County, in the State of Virginia; to the Committee on Commerce.

A bill (S. 2797) granting an increase of pension to Alfred Trefethen (with accompanying papers);

A bill (S. 2798) granting an increase of pension to Mary C. Newman (with accompanying papers);

A bill (S. 2799) granting an increase of pension to Thomas Humphrey (with accompanying papers);

A bill (S. 2800) granting an increase of pension to William A. Faulk (with accompanying papers);

A bill (S. 2801) granting an increase of pension to Rachel Christy (with accompanying papers); and

A bill (S. 2802) granting an increase of pension to Fanny E. Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 2803) to create a commission with authority to hear and determine claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States; to the Committee on Indian Affairs.

By Mr. HARRELD:

A bill (S. 2804) granting an increase of pension to Arminda J. Madison (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2805) enabling postal employees who are ex-service men to utilize leaves of absence in order to attend the meeting of the American Expeditionary Force in France; to the Committee on Post Offices and Post Roads.

HOUSE BILL REFERRED

The bill (H. R. 7554) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT TO TAX REDUCTION BILL

Mr. NORRIS submitted an amendment intended to be proposed by him to House bill 1, the tax-reduction bill, which was ordered to lie on the table and to be printed in the RECORD, as follows:

On page 113, line 1, strike out all after the word "records" down to and including the word "President" in line 5 on said page, and in

Hen thereof insert the following: "and shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally."

RECESS

Mr. CURTIS. I move that the Senate take a recess until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate, as in open executive session, took a recess until to-morrow, Wednesday, January 27, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 26 (legislative day of January 16), 1926

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY

John Dyneley Prince, of New Jersey, now envoy extraordinary and minister plenipotentiary of the United States to Denmark, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Kingdom of the Serbs, Croats, and Slovenes.

H. Percival Dodge, of Massachusetts, now envoy extraordinary and minister plenipotentiary of the United States to the Kingdom of the Serbs, Croats, and Slovenes, to be envoy extraordinary and minister plenipotentiary of the United States of America to Denmark.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26 (legislative day of January 16), 1926

POSTMASTERS

COLORADO

Francis M. Wheeler, Campo.

CONNECTICUT

Harlan G. Hills, East Hampton.
Durward E. Granniss, New Preston.
Charles A. Jerome, Plainfield.
Edward Perkins, Suffield.
Robert O. Judson, Woodbury.

DELAWARE

Fred C. Powell, Harrington.

MARYLAND

Margaret T. Bowdoin, College Park.
Harry Bodein, Perry Point.

NEW HAMPSHIRE

Charles Myers, Jaffrey.

NEW MEXICO

Ralph Gutierrez, Bernalillo.

NORTH CAROLINA

Clyde H. Jarrett, Andrews.
Marvin E. Johnson, Candor.
John W. Shook, Clyde.
Iredell V. Lee, Four Oaks.
Mary W. Turner, Gatesville.
Heber R. Munford, Greenville.
Charles R. Hester, St. Pauls.
Pearle R. Luttrell, Shulls Mills.
Samuel B. Edwards, Tryon.
Otto S. Woody, Whitakers.

NORTH DAKOTA

Ruth C. Whiteaker, Alamo.
Ada E. Olson, Fingal.
Arthur B. McLaughlin, Hope.
Leif O. Fjeld, Mayville.
William E. Burhans, Sentinel Butte.
Milton T. Hefty, Walcott.
Thaddeus C. Michael, Willow City.

OKLAHOMA

Ray E. Sutton, Boynton.
Rosa B. Britton, Cyril.
Jesse W. Pinkston, Drumright.
Leo N. Hawkins, Hitchcock.
Herbert Harris, Oilton.
Frank J. Kohr, Poteau.
Alta G. Stockton, Sparks.

PENNSYLVANIA

Fred Ungard, Allenwood.
Franklin T. Dindinger, Monaca.
John M. Hayes, Montoursville.
Alden M. Schnell, Youngsville.

PORTO RICO

Franklin H. Bunker, Caguas.
Jose Carrera, Humacao.
Pedro Muniz Rivera, Manati.

SOUTH CAROLINA

John B. Bagnal, Ellenton.
Rosa B. Grainger, Lake View.
Edward W. Shull, New Brookland.
David S. Pitman, Nichols.
Pearle H. Padget, Saluda.
William H. Lott, St. George.

UTAH

Ewell C. Bowen, Hiawatha.

HOUSE OF REPRESENTATIVES

TUESDAY, January 26, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our fathers' God, to Thee we raise our voice in humble prayer. We seek the blessing of forgiveness and the guidance of Thy wisdom. We believe that Thou art a refuge and an ever-present help in time of need. With one accord may we acknowledge Thee to be the Maker of heaven and earth, in whom we have our being. Lead us all to most seriously appreciate the high value that belongs to all honest action. May we assume all our obligations and fill the hours with steady, faithful endeavor. What dignity all life acquires if we relate it to God. Help us, O Lord, in every service; then all labor shall be sacramental and a noble pride shall be our birthright.

The Journal of the proceedings of yesterday was read and approved.

COOPERATIVE MARKETING ACT

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BRAGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7893, which the Clerk will report.

The Clerk read the title of the bill.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 2, line 2, after the word "farms," strike out the remaining part of line 2 and insert in lieu thereof the following: "and also any products thereof processed or manufactured by farmers or cooperative organizations of farmers."

Mr. JONES. Mr. Chairman, my reason for offering this amendment is that section 5 of this bill, following in large measure the provisions of the exemption provided by the Capper-Volstead Act, with some very small changes, exempts people engaged in the distribution of agricultural products from the operations of the antitrust law. Since those exemptions are granted—and they are important—it becomes likewise important that no one should be granted the exemption except persons engaged in producing these products or cooperative organizations of those engaged in the distribution thereof.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. JONES. In just a moment.

In that connection the definition of what constitutes agricultural products becomes important, and, in my judgment, becomes all important, because on that definition hinges the application of other sections of the bill. This measure defines agricultural products. That definition is found in the first section. It not only defines agricultural products to be those things that are generally termed agricultural products, but it also says